



Ackerson Farms

PLANNED UNIT DEVELOPMENT

ORIGINAL ORDINANCE

Ordinance No.: 06-47

Adoption Date: October 9, 2006

Instrument No.: 200600065834



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JENNIFER J HAYDEN
11-01-2006 At 01:59 pm.
ORDINANCE 343.00

ORDINANCE NO. 06-47

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 - LAND USE CONTROLS

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0604-PUD-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on August 29, 2006; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(f) concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL
THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS
FOLLOWS:**

SECTION 1. WC-16-04 Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate located at 7550 West State Road 32 from AG-SF-1 to Ackerson Farm PUD. See attached Maps and zoning commitments described in the attached booklet identified as Exhibit A.

SECTION 2.

As specified in the Table of Contents which follows in the attachment hereto and incorporated herein by reference, are (i) Articles 1 through 19 and (ii) Exhibits

A thru G. The Zoning District Map, which is attached hereto and labeled as Exhibit B, allocates the Real Estate into Residential District 1, Residential District 2, The LBH District, the LB District, and the GB District (collectively the "districts"). It is the intention of this Ackerson Farm PUD that the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in the Articles 1 – 18 and Exhibits A – G in the attachment shall govern the use and development of the Districts.

SECTION 3.

The size in acreage of any District may be increased or decreased by fifteen percent (15%) so long as there is no increase in total permitted density; provided however that the size of Residential District 1 may not be decreased but may be increased without limitation within the boundaries of Residential District 2.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF

WESTFIELD, HAMITON COUNTY, INDIANA THIS 9 DAY OF

Oct., 2006.

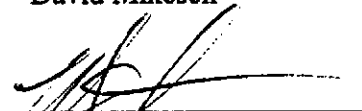
WESTFIELD TOWN COUNCIL

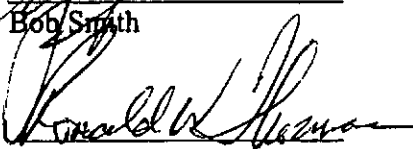
Voting For


Teresa Otis Skelton

Jack Hart

David Mikesell


Bob Smith


Ron Thomas

Voting Against

Teresa Otis Skelton

Jack Hart

David Mikesell

Bob Smith

Ron Thomas

Abstain

Teresa Otis Skelton

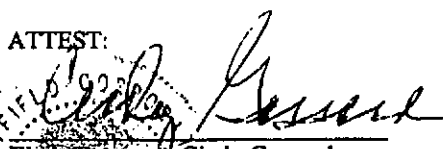
Jack Hart

David Mikesell

Bob Smith

Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

"I affirm, under the penalties for
perjury, that I have taken
reasonable care to redact each
Social Security number in this
document, unless required by law."
(name) C. Gossard

**WESTFIELD-WASHINGTON TOWNSHIP ADVISORY PLAN COMMISSION
CERTIFICATION**

The Westfield-Washington Township Advisory Plan Commission met on Monday, August 28, 2006, to consider proposed rezoning of 236 acres from the AG-SF-1 District to the Ackerson Farm PUD, 0604-PUD-06. Notice of public hearing advertised and noticed was presented to the Advisory Plan Commission. Notice was shown to have been published in a newspaper of general circulation in Hamilton County, Indiana. The proposed text amendment is as follows:

0604-PUD-06 7550 West State Road 32.
Ackerson Family Farms, LLC requests a change in zoning
for 236 acres from AG-SF-1 to the
Ackerson Farm PUD District

A motion was made and passed to recommend to Town Council approval of the rezone request for 0604-PUD-06 (9-0-0).

I, Kevin G. Buchheit, AICP, being the Secretary of the Westfield-Washington Township Advisory Plan Commission, do hereby certify that the above is a true and accurate record of the minutes of the meeting of the Westfield-Washington Township Advisory Plan Commission held on August 28, 2006.



Kevin G. Buchheit, AICP, Secretary

August 29, 2006
Date

0604-PUD-06

7550 West State Road 32. Ackerson Family Farms, LLC requests a change in zoning for 236 acres from AG-SF-1 to the Ackerson Farm PUD District.

Mr. Nels Ackerson introduced Ms. Karen Jamison; Randy Sherman; Randy Weaver, Weaver Design; and Charlie Frankenberger, Nelson and Frankenberger and presented details of the project. Ackerson focused his presentation on the contribution to the community, character and quality of the Ackerson Farm TND concept, the care used in the process by the Comprehensive Plan Subcommittee in improving the proposed PUD, and the confidence in the process. He discussed changes made to the proposal at the request of the Comprehensive Plan Subcommittee.

Spoljaric asked about amenity phasing.

Ackerson responded the phasing schedule shows by letter where some of the amenities will be but no specifics on a timeline. However, he stated a commitment could be made to build amenities which coincide with the building schedule.

Sanders suggested the wording, "Amenity sections that are contiguous to a development section will be completed simultaneously with the development."

Ackerson agreed to the above statement.

Salzman asked for clarification on whether this statement would be a commitment or an amendment.

After some discussion, Ackerson stated the commitment to begin amenities during the first phase of construction in an area and have amenities completed by the time the construction is concluded in that area.

Hart arrived at 7:45 p.m.

Kelleher asked if this would be added to the PUD document.

Kelleher stated this would be added to the list of suggested changes from Ackerson.

The decision was made to add this commitment to the nine changes made to the proposal.

Members of the Comprehensive Plan Subcommittee commented on the progress made on this project at the subcommittee level, including comments made by Del Greco, Stevenson, Hart, and Kelleher.

Del Greco questioned the wording on H. Home Occupations, regarding home schooling.

Ackerson stated the objective there was not to turn an individual home into a large schooling operation. He further suggested the clarification and wording, "There would be no more than eight, including members of the family, unless the family itself is larger than eight."

Spoljaric asked for a representative from the Department of Public Works to comment.

Ms. Rene Goff, Town of Westfield, Engineering Department, Public Works stated the DPW continues to work with the petitioners to satisfy requirements.

A Public Hearing opened at 8:05 p.m.

No one spoke, and the Public Hearing closed at 8:06 p.m.

Kelleher moved to send 0604-PUD-06 to the Town Council with a positive recommendation with the following conditions:

1. Final approval of infrastructure standards be clearly granted to WPWD or its successor in the text of the proposed document, and
2. Approval of final site access, where reviewed and approved by an agency other than the Town or its successor, be clearly granted to the Town or its successor in the text of the proposed document.
3. Article 1, No. 33: Before the colon, add the following: (also called "Accessory Buidling")
4. Article 3, page 4, 3.3. The line should be "Residential District 1," not Residential District 2.
5. Article 3, page 5, 3.3.B.1.g. should be changed to read as follows: "Repair, service or the refurbishing of equipment or parts, other than automobiles or large vehicles, if done entirely within the home or garage with no outside storage."
6. Article 3, page 6, 3.3.C.1. should be changed to read as follows: "Basic Lot Standards are set out in Table 3.3. All lots shall be at least one hundred (100) feet wide."
7. Article 12, page 4, 12.2.V.2. add the following: "including single family lots within the LBH District."
8. Article 13: Delete references to "Hamilton County Highway Department."
9. Article 15, page 1, a: the final word should be "homes," not "areas."
10. Article 18, page 2, 18.6: in the third to last line the word "international" should be replaced with the word, "intentional."
11. Commitment to begin amenities during the first phase of construction in an area and have amenities completed by the time the construction is concluded in that area.
12. Home Schooling: There will be no more than eight, including members of the family, unless the family itself is larger than eight.

Sanders seconded and the motion passed unanimously.

**Ordinance 06-47
Ackerson Farm PUD**

Email communication from Nels Ackerson

October 5, 2006

Jerry Rosenberger

From: Nels Ackerson [nels@ackersonlaw.com]
Sent: Thursday, October 05, 2006 10:39 AM
To: David Mikesell; Ron Thomas; Jack Hart; Teresa Otis Skelton; Bob Smith; Jerry Rosenberger
Cc: Karen@Jamesen.com; charlie@nf-law.com
Subject: Ackerson Farm EDU Agreement

Dear Bob, Teresa, Jack, Dave, Ron and Jerry:

I want to thank each of you for your support of the Ackerson Farm PUD and for your patience as we have worked through several additional issues during the past few months.

Bob confirmed to me this morning that the Town Council agrees with the 900 EDU take-down schedule that I discussed with him Monday and that I sent to each of you Tuesday.

As I was discussing the sewer EDU issue and other issues with Jerry yesterday, I learned that a different methodology had been used to come up with the Eagle Station EDU commitment than I had understood. The specific difference that Jerry mentioned is that Eagle Station considered its commercial areas in its projection. There are other offsetting differences, too, which I now understand tend to balance out the results reached by the two different methods we used. Jerry was kind enough to ask Bruce to send me a copy of the table that Eagle Station had used to calculate its EDUs.

Even though we have reached an agreement, I thought it would be helpful for all of us to compare the different approaches and see if they have made a material difference in the result. It's too bad we didn't learn earlier that we were using different score cards, but so long as the bottom line is not substantially affected, the different paths used to get to the end should not be of concern. After comparing the two methodologies and their results in several ways, the bottom line is that they seem to be a wash.

The simplest test may be to compare the number of EDUs per acre. Ackerson Farm has committed to approximately 3.8 EDUs/acre, and Eagle Station has committed to approximately 3.3 EDUs/acre. By that comparison Ackerson Farm is making a somewhat larger commitment than Eagle Station. Of course, Ackerson Farm has a higher residential density, but that does not explain the entire difference for three reasons. First, Ackerson Farm's calculation assumes a 1:1 ratio of permitted residential units to EDUs, while Eagle Station uses a formula that in some cases substantially discounts the number of EDUs per permitted residential unit. Second, Ackerson Farm will be built out over a much longer period, largely due to the character of the development and its higher percentage of custom buildings, resulting in Ackerson Farm paying for EDUs before the units are projected to be built or sold, while Eagle Station's payment schedule extends beyond the time that all build-out is projected to be done. Third, Eagle Station applies a very low estimate of EDUs for its commercial areas compared to general estimates that have been given to us. Since the two projects anticipate similar commercial areas, the same standards would seem to be appropriate. On balance, therefore, the factors appear to reasonably offset each other.

There was a second test that until yesterday I thought could be applied. Because Ackerson Farm (and also Westgate) used a simple ratio of 1:1 for residential units, I had assumed the same was true for Eagle Station. In other words, one residential unit equals one EDU for Ackerson Farm. Because I thought Eagle Station used the same 1:1 ratio, I believed Eagle Station had committed to 94% of the maximum residential EDUs and no EDUs for its commercial areas. Eagle Station's maximum permitted residential units total 2,971, and its EDU commitment is 2,827, or 94% of the maximum EDUs, as I had calculated them. Ackerson Farm, by comparison, was committing to 82% of its maximum residential units, but it was committing to pay for the EDUs more rapidly than its phasing schedule would have the units built out. Eagle Station appeared to be making a slightly larger EDU commitment unless you compare the time of payment to the phasing schedule. However, if you consider the timing, there appeared to be a rough sense of equity.

10/5/2006

But my assumption about Eagle Station's methodology was incorrect. The schedule that I received from Bruce yesterday shows that Eagle Station used a complex system that factored in a smaller number of residential units than the maximum permitted number, and also used flow calculation factors and average daily flows which have the effect of reducing the number of EDUs per hundred residential units, especially in apartment buildings, multi-family units and assisted living. For example, 100 one-bedroom apartments generated 65 EDU commitments for Eagle Station. Eagle Station's EDUs for 920,000 square feet of retail space, for example, was projected to generate 317 EDUs and 100 square feet of office space was projected to generate 32 EDUs. Similar amounts of commercial space in Ackerson Farm have not been analyzed, but the figures used in earlier proposed take-down schedules for Ackerson Farm appear to have been several times those numbers of EDUs for comparable space. The reduced measure of residential EDUs and the inclusion of commercial EDUs in the Eagle Station calculation seem to be offset by the higher residential counts and commercial assumptions used for Ackerson Farm.

Considering all of the above, and the different assumptions in our projects and their phasing schedules compared to the pay-down schedules, the 900 EDUs committed by Ackerson Farm seemed comparable when I applied various comparison assumptions and tested the numbers against each other.

So from several perspectives to the 2827 EDUs committed by Eagle Station for approximately 850 acres seem roughly comparable to the 900 EDUs committed by Ackerson Farm for its 236 acres.

I hope this information is helpful to each of you. We have an agreement, and I think we should all be satisfied that the agreement committing Ackerson Farm to a schedule of 900 EDUs passes fairness tests from both sides.

-Nels

Jerry Rosenberger

From: Nels Ackerson [nels@ackersonlaw.com]
Sent: Thursday, October 05, 2006 11:15 AM
To: David Mikesell; Ron Thomas; Jack Hart; Teresa Otis Skelton; Bob Smith
Cc: Karen@Jamesen.com; charlie@nf-law.com; Bruce Hauk; Jerry Rosenberger
Subject: Ackerson Farm Drainage Compliance & Other Commitments

Dear Town Council Members, Jerry Rosenberger and Bruce Hauk:

I want to thank the Town of Westfield and the Westfield Department of Public Works and your staffs for your careful review of the Ackerson Farm PUD and in this case for WPWD's attention and responsiveness to the specific design and development requirements of this particular development.

In my conversation with Bob Smith this morning and in an e-mail that I received from Jerry Rosenberger while I was preparing this e-mail, I understand that the Town would like Ackerson Farm to make clear its commitment to follow Westfield's ordinances and procedures and the requirements of the County Surveyor's Office and the Hamilton County Drainage Board. I am happy to do that here. The precise language used below is subject to review by our attorney, Charlie Frankenberger, who will work with you to prepare any documents or clarifications that may be needed.

I confirm by this letter that Ackerson Farm will comply with all applicable ordinances and standards of the Town of Westfield, as they have been altered in some instances by agreement of the Town and WPWD, including the Town of Westfield's construction standards and specifications, Westfield's storm water quality and quantity regulations, Westfield's utility infrastructure requirements, Westfield's erosion control requirements, Westfield's street standards and infrastructure requirements, Westfield's traffic circulation requirements, Westfield's sanitary sewer service utility and water utility requirements, Westfield's DPR requirements, and other applicable WPWD regulations and requirements.

In addition, I confirm that Ackerson Farm will comply with all applicable requirements of the Hamilton County Surveyor's Office and the Hamilton County Drainage Board with respect to the S.M. Smith Regulated Drain and any other applicable requirements relating to other drains, watersheds, drainage sheds, or water management matters. We met with personnel in the Surveyor's office several months ago, and work with that office and others as needed to apply the appropriate standards to Ackerson Farm. Ackerson Farm will also comply with all state and federal legal requirements concerning any wetlands

I also commit Ackerson Farm to take responsibility for the planting, maintenance and replacement of street trees within the development and to satisfy all requirements for utility easements.

Most matters arising from the above issues to our knowledge and belief have been discussed and agreed to by and between the Town of Westfield and Ackerson Farm as a part of the zoning process, and specific alterations or applications of some of the standards and requirements have been agreed to, as they will be applied to the Ackerson Farm PUD.

For the information of Bruce Hauk and his staff in particular, we will be happy to provide specific responses to remaining issues raised in the two letters we received in September from WPWD. And of course we will continue to work with WPWD and the Town on all matters related to DPR, etc.

10/5/2006

I hope the above commitments are what the Town has in mind.

Best regards,
Nels Ackerson

10/5/2006

Jerry Rosenberger

From: Nels Ackerson [nels@ackersonlaw.com]
Sent: Thursday, October 05, 2006 11:21 AM
To: Jerry Rosenberger
Cc: Bruce Hauk; Bob Smith
Subject: RE: FW: Eagle Station PUD Waste Load Projection

Jerry,

I received your e-mail after I had already written an e-mail to you and to the Town Council on the sewer EDU issues and while I was writing an e-mail to you, Bruce and the Town Council on the commitments mentioned at the bottom of your e-mail. I can also commit to you and to the Town that Ackerson Farm will use its best efforts to bring the Ackerson Farm PUD to complete development, consistent with our commitment to high standards of quality, as quickly as practical under market conditions. If we can build our project faster than projected, and if we exceed our EDU commitments we will all be very happy.

I hope my e-mails respond to what you have in mind.

-Nels

>>> "Jerry Rosenberger" <jrosenberger@westfield.in.gov> 10/05/06 09:38AM >>>
Nels.

For your consideration
This is a proposal that bob Smith, Bruce Hauk and I could support.

Given the fact that your residential numbers may have to drop from 1100 to 900, your total edu requirement would be in the 1530 range for the whole project. (Estimate from some of your earlier documents; 1730 minus 200 (which accommodates the residential reduction))
90% of the 1530 is 1377

If you could extend your commitment to 20 years and in years 15,16,17,18,19, and 20 accommodate the additional 477 edu's however you would want to spread them, we can support that.

In addition we would want your commitment to support the requirements of the county surveyor's department with regard to storm water requirements and to comply with WPW infrastructure specifications and requirements.

These last two comments are standard language that is important for the council to acknowledge is part of the deal.

Let me know what you think
Jerry

-----Original Message-----

From: Nels Ackerson [mailto:Nels@ackersonlaw.com]
Sent: Wednesday, October 04, 2006 5:41 PM
To: Jerry Rosenberger
Subject: Fwd: FW: Eagle Station PUD Waste Load Projection

Jerry,

Thanks for asking Bruce to send the attached waste load projection along. It I now understand the difference. Eagle Station's PUD has a maximum number of residential units of 2,971. That's why I made the assumption that Eagle Station's EDU commitment of 2,787 covered close to 100% (actually 94%) of its residential EDUs. I now see that Eagle Station's calculation included commercial areas but also used flow calculation factors and average daily flow figures, which reduce the projected EDUs per residential unit by as much as 48% per unit for

10/5/2006

multifamily units and by other percentages for other areas, based on flow calculation factors and average daily flow estimates.

Thinking that we should all be playing with the same score card, I will calculate our EDUs both as we have done and as the last proposed schedule was presented to us, and then I'll also calculate our EDUs using Eagle Station's methodology. Then we'll have a better basis for comparison.

Thanks,
-Nels



ACKERSON FARM

ESTABLISHED 1905

PUD ORDINANCE NO. 06 - 47

OCTOBER 9, 2006

ORDINANCE NO. 06-47

AN ORDINANCE OF THE TOWN OF WESTFIELD CONCERNING AMENDMENT TO TITLE 16 - LAND USE CONTROLS

WHEREAS, The Town of Westfield, Indiana and the Township of Washington, both of Hamilton County, Indiana are subject to the Westfield Washington Township Zoning Ordinance; and

WHEREAS, the Westfield-Washington Township Plan Commission ("Commission") considered a petition (docket 0604-PUD-06) filed with the Commission to rezone certain lands; and

WHEREAS, the Westfield Washington Township Plan Commission did take action to forward the request to the Westfield Town Council with a positive recommendation under the provision of IC 36-7-4-605; and

WHEREAS, the Secretary of the Commission certified the action of the commission to the Town Council on August 29, 2006; and

WHEREAS, the Westfield Town Council is subject to the provision of IC 36-7-4-608(f) concerning any action on this request.

**NOW THEREFORE BE IT ORDAINED BY THE WESTFIELD TOWN COUNCIL
THAT TITLE 16 OF THE WESTFIELD CODE OF ORDINANCE BE AMENDED AS
FOLLOWS:**

SECTION 1. WC-16-04 Zoning maps amended as follows:

The Zoning Map accompanying and made a part of the Zoning Ordinance is amended to reclassify the Real Estate located at 7550 West State Road 32 from AG-SF-1 to Ackerson Farm PUD. See attached Maps and zoning commitments described in the attached booklet identified as Exhibit A.

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9/6/2006

Ordinance 06-47
Rezone Ackerson Farms PUD

A thru G. The Zoning District Map, which is attached hereto and labeled as Exhibit B, allocates the Real Estate into Residential District 1, Residential District 2, The LBH District, the LB District, and the GB District (collectively the "districts"). It is the intention of this Ackerson Farm PUD that the Zoning Ordinance, as modified by revisions, additions, and deletions, specified in the Articles 1 - 18 and Exhibits A - G in the attachment shall govern the use and development of the Districts.

SECTION 3.

The size in acreage of any District may be increased or decreased by fifteen percent (15%) so long as there is no increase in total permitted density; provided however that the size of Residential District 1 may not be decreased but may be increased without limitation within the boundaries of Residential District 2.

SECTION 4.

This ordinance shall be in full force and effect from and after its passage

ALL OF WHICH IS HEREBY ADOPTED BY THE TOWN COUNCIL OF

WESTFIELD, HAMITON COUNTY, INDIANA THIS 9 DAY OF

Oct., 2006.

WESTFIELD TOWN COUNCIL


Voting For


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Jack Hart

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Ron Thomas

Voting Against

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Ron Thomas

Abstain

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Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy Gossard

This ordinance prepared by
Jerry Rosenberger, Town Manager

ACKERSON FARM PUD

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ACKERSON FARM PUD

TABLE OF EXHIBITS

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Exhibit G	Underlying Zoning Compendium

ARTICLE 1. DEFINITIONS

Unless otherwise specified in this Ackerson Farm PUD or unless defined below, the definitions of the Zoning Ordinance shall apply to words and terms in this Ackerson Farm PUD. The following words and terms shall have the following meanings:

1. Allowable Building Area: The area of a building that is enclosed and under a roof.
2. Alley: A privately held right of way or lane affording a secondary means of vehicular access to property abutting a public or private street.
3. Architectural Guidelines: General and detailed design features contained in a compendium that is not a part of the Ackerson Farm PUD and is intended to be included in covenants or otherwise to be interpreted and enforced by the Architectural Review Committee; Architectural Guidelines, as distinguished from Architectural Standards, are not to be enforced by the Town.
4. Architectural Review Committee: Any of one or more committees established by a Declaration of the Developer for the purpose of reviewing or approving the design of structures and spaces within the Ackerson Farm PUD or any specified District or portion of a District within the Ackerson Farm PUD.
5. Association: An organization established by a Declaration of the Developer comprising homeowners or owners of non-residential structures in the Ackerson Farm PUD or any specified District or portion of a District within the Ackerson Farm PUD.
6. Building Base: The area of a building between the finished grade level of land adjacent to the building to the top of the building's foundation. In a building with a storefront, the entire storefront is included in the building base.
7. Building Middle: The area of a building between the top of the foundation to the bottom of the building's cornice. In a building with a storefront, the building middle is that part of the building above the storefront and below the building top.
8. Building Top: The area of a building between the bottom of the cornice to the top of the roof.
9. Building Height: The distance from the finished grade level of land at the main entrance of the building to the top of the building cornice line.
10. Carriage House: A detached building smaller than the home on a single family lot with a first story used as a garage or for storage and a second story, accessible from a stair within or outside the building, that may be used as bonus space for the home, a home office, a studio, or a rental apartment if cooking and bathroom facilities are installed.

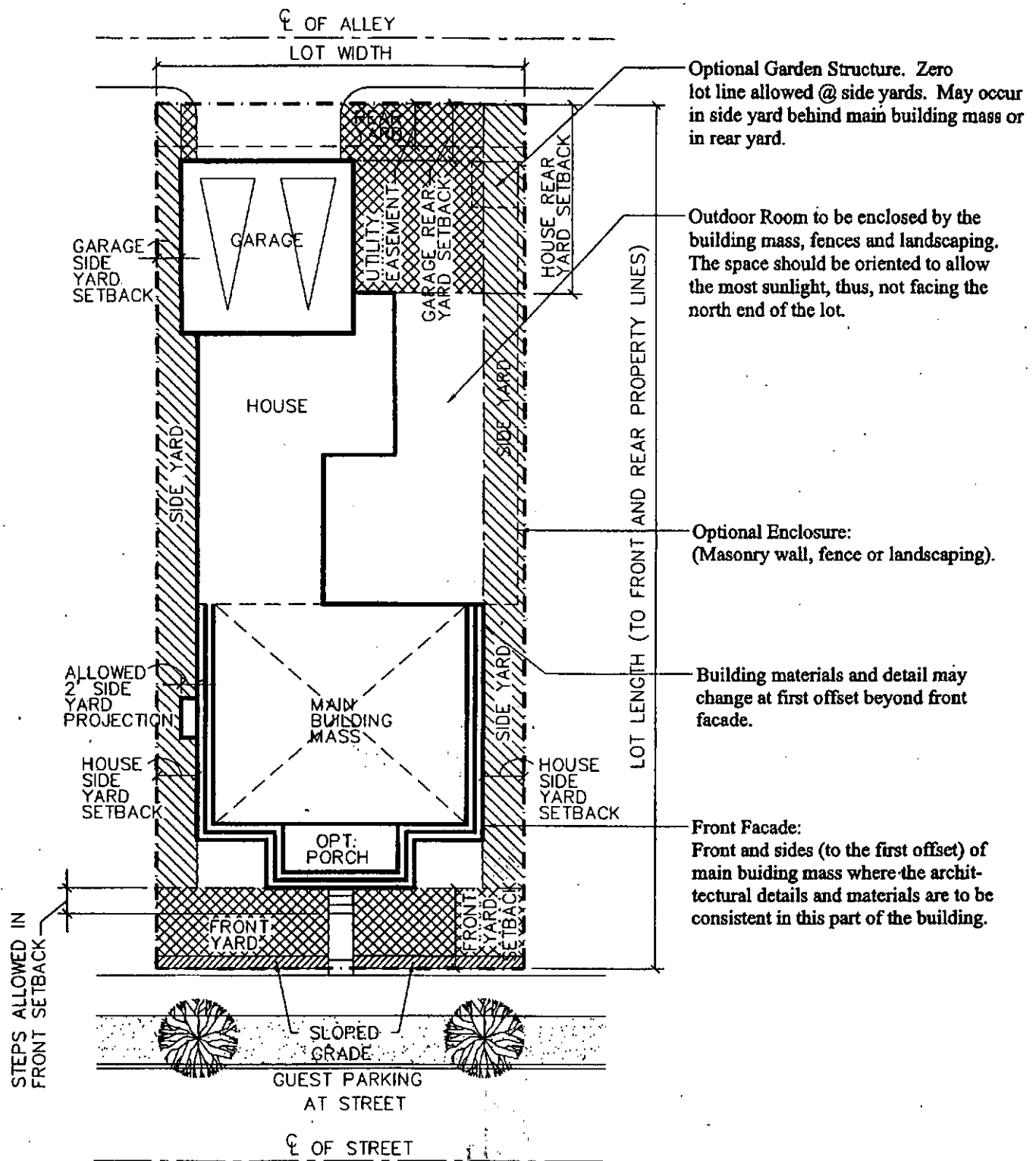
11. Corner Lot: A lot facing two intersecting public streets.
12. Cornice: The top part of a building, including trim, molding and overhangs at the base of a sloped roof; also the terminating elements at the top of the walls of a building with a flat roof.
13. Courtyard: An open area partly or fully enclosed by buildings, walls or landscape elements, adjacent to or within a house or building.
14. Coverage: The total lot surface area covered by the primary structure, plus any garage and other accessory structure greater than thirty-six (36) inches above ground level grade, excluding fences and walls that are not attached to the roof of a structure.
15. Declaration: A written statement of covenants, conditions, or restrictions made by the Developer, and amended from time to time, to be applied in one or more districts or any portion of a district in the Ackerson Farm PUD, and recorded in the office of the Recorder of Hamilton County, Indiana.
16. Department: The Department of Community Development of Westfield, Indiana.
17. Detached Garage: A free-standing enclosed structure for the storage of vehicles.
18. Developer: Ackerson Family Farms, LLC, and its successors, assigns, and designees.
19. Director: Director of the Department of Community Development of Westfield, Indiana.
20. District: Any of the zoning districts within the Ackerson Farm PUD, including the Residential 1 District, the Residential 2 District, the GB District, the LB District and the LBH District.
21. Double Frontage: A lot with frontage on two non-intersecting public streets.
22. Elevation: An exterior facade of a structure, or its head-on view or representation drawn with no vanishing point, used for design illustration or construction.
23. Exhibit A: Also called the "Real Estate": The legal description of the real estate that is included in the Ackerson Farm PUD.
24. Exhibit B: Also called the "Zoning District Map": A version of the Illustrative Site Plan (defined as Exhibit C) which has been modified to show the areas of each District within the Ackerson Farm PUD.

25. Exhibit C: Also called the "Illustrative Site Plan": An illustration of a possible site plan permitted by the purposes, concepts and standards of the Ackerson Farm PUD, which is intended to be a reasonable illustration of the anticipated general type of site plan, is not drawn to scale, and is subject to change.
26. Exhibit D: Also called the "Public Realm Map": An illustration of areas within the Ackerson Farm PUD that are within two-minute and five-minute walks of amenities, civic spaces, and points of interest within the Ackerson Farm PUD.
27. Exhibit E: Also called "Street Section Diagrams": Any of several drawings to illustrate street width, street trees and locations, building mass and location, and other features of street design that are intended to be realistic representations of types of street designs that will satisfy the purposes, concepts and standards of the Ackerson Farm PUD.
28. Exhibit F: Also called the "Phasing Schedule": A plan for the approximate range of dates within which development is anticipated to be commenced, subject to adjustment at any time based on changing market conditions, available utilities and community preferences.
29. Facade Projection: Signage, awnings, bay windows, cantilevers, lighting, flags, mailboxes, stoops, pilasters, cornices and other fixtures or attachments to a building facade.
30. Flat: A single-level residential unit in a building of one or more stories. As used in this Ackerson Farm PUD ordinance, the term "flat" does not include a residential unit over a garage or a carriage house, the residential part of a live-work unit, or a residence in a structure containing fewer than three residences.
31. Front Façade: The front and sides of the primary building mass. See definition of "primary building mass." See Illustration 1.0
32. Front Yard: The lot area bounded by the edge of a public walk, the front façade and the side property lines. A corner lot has two front yards. See Illustration 1.0
33. Garden Structure Building (Also called "Accessory Building."): A structure other than a garage or a carriage house that is uninhabitable and does not exceed the height of the first story of the home.
34. GB District: The portion of the Ackerson Farm PUD identified on the Zoning District Map as the GB District.
35. Half Story: Part of a basement that is elevated a half level above grade.
36. LB District: The portion of the Ackerson Farm PUD identified on the Zoning District Map as the LB District.

37. LBH District: The portion of the Ackerson Farm PUD identified on the Zoning District Map as the LBH District.
38. Live-Work: A multi-story building on a single platted lot, portions of which building are used as a residence and other portions of which may be used for business or retail purposes that are permitted in the district in which the building is located.
39. Masonry: Wall building material, both natural and manufactured, that is laid up or applied in units or blocks, such as brick, natural stone, or manufactured stone.
40. Midland Trail: The rail-trail running east and west through the entire length of Ackerson Farm, parallel to and approximately eight hundred (800) feet south of State Road 32.
41. Motor Court: An area in front of garage doors utilized as a turning area, parking area or transition from a driveway.
42. Open Space: Any part of the Ackerson Farm PUD not covered by public streets, private streets, alleys, private lots or commercial parking lots. Open space may include, but shall not be limited to the following public areas: parks, playgrounds, wetlands, trails, scenic or recreational ponds, plazas, courtyards, gardens, yards, unpaved rights of way, residential amenities, landscaped parking areas, and other landscaped areas.
43. Ordinance: Unless preceded by a modifier such as the word "Zoning," the word "Ordinance" shall mean the ordinance prepared to be applied to the Ackerson Farm PUD when adopted by the Town of Westfield.
44. Parcel: A lot within any District of the Ackerson Farm.
45. Parkway: A road that passes the edge of a park or an open space.
46. Plan Commission: The Advisory Plan Commission of Westfield-Washington Township, Indiana.
47. Plaza: A public square or open space in an area of commercial space or work space.
48. Porch: A covered and open-sided structure attached to the façade of a building or wrapped around sides of a building that shelters an entrance or covers a semi-enclosed space.
49. Portico: A roofed area sheltering both an entrance to a building and a driveway under which vehicles may pass from a street or driveway to a garage or a parking area; also called a porte-cochere.
50. Primary Building Mass: The primary portion of a building fronting a street or streets. See Illustration 1.0

51. Primary Structure: The home on a residential lot or the building on any non-residential lot that is intended to serve the primary use of the lot rather than a use that is accessory to the primary use of the lot.
52. Rear Yard: The lot area not covered by the primary structure that is bounded by any side yard or side yards and the rear property line. See Illustration 1.0
53. Residential Amenity: Any feature installed for the use or benefit of the residents of any district.
54. Residential District 1: The portion of the Ackerson Farm PUD identified on the Zoning District Map as the Residential District 1.
55. Residential District 2: The portion of the Ackerson Farm PUD identified on the Zoning District Map as the Residential District 2.
56. Scenic or Recreational Pond: A body of water that (a) offers vistas from streets and homes or from commercial or public areas, (b) is surrounded by or bordered by a trail, a path or a boardwalk, (c) is landscaped on the perimeter, and (d) contains two or more of the following features or uses: fountains, waterfall, formal garden, color waterworks display, fishing dock, boat or model boat facility, fire on water display, fireworks site, or pedestrian bridge.
57. Secondary Internal Street: The first east-west street south of State Road 32 in Ackerson Farm.
58. Side Yard: The lot area not covered by the primary structure that is bounded by the front yard, the rear yard, any side yard and the side property lines. See Illustration 1.0
59. Stoop: An elevated landing outside a door to a building, sometimes with steps and handrails to a sidewalk, which is typically smaller than a porch.
60. Story: A single floor in a building of one or more floors.
61. Street Network: A grid or system of interconnecting streets that provides multiple routes for both pedestrian and vehicular movement.
62. Stucco: Cementitious stucco used as a wall building material.
63. Supplemental Drawing: Any of the many drawings contained in a booklet of Supplemental Drawings that is not a part of the Ackerson Farm PUD but is intended to offer guidelines for planners and builders, illustrating possible sizes and locations of improvements on lots in different circumstances.
64. Town: The Town of Westfield, Indiana and its successor, the City of Westfield, Indiana.

65. Town Council: The governing body of the Town and its successor, the City Council of Westfield, Indiana.
66. Village Center: The central business area within the LBH District, containing 10 acres, more or less, transversing the Midland Trail and extending north along a boulevard toward State Road 32.
67. Zoning Ordinance: The Zoning Ordinance of Westfield-Washington Township, Indiana.



MID-BLOCK LOT WITH ALLEY

ARTICLE 2. LAND USE CONTROLS.

Subject only to the exception that all single family or duplex homes shall be required to be constructed with the main body of the residence being eighteen (18) feet or more in width, instead of twenty-three (23) feet or more in width, all of Section 16.04.010 of the Zoning Ordinance, entitled "General Provisions", as contained in the Underlying Zoning Compendium, shall apply to the use and development of the Real Estate.

ARTICLE 3. RESIDENTIAL DISTRICTS.

This Article 3 shall apply to Residential District 1 and Residential District 2.

Section 3.1. General Requirements.

A. Accessory Buildings, Facilities, and Uses:

1. Accessory buildings may be built with or after construction of the home.
2. Accessory facilities (including walks, driveways, curbs, retaining walls, mail boxes, name plates, lamp posts, fences and masonry walls) that are not expressly prohibited in this Article 3 or by other applicable law are permitted without the issuance of any permit.
3. Above-ground utility installations are prohibited in front yards unless fully concealed from view from the sidewalk or the street.
4. A satellite receiver antenna two (2) feet or smaller in diameter may be installed in a rear or side yard adjacent to a neighboring home in accordance with IC 36-7-4-201.1. Microwave antenna dishes and other receivers larger than two (2) feet in diameter are prohibited.
5. Windmills for generating electric power are prohibited.

B. A front building setback line is required on each street.

Section 3.2. Architectural Standards.

A. Building Base:

1. The building base of all residential buildings must be raised a minimum level above the sidewalk grade, as measured from the sidewalk at the center of the lot to the first floor line elevation of the home.
2. Exposed foundation walls of the front façade greater than twelve (12) inches above grade must be covered with an approved exposed foundation material.
3. Approved exposed Foundation Materials:
 - a. Front Façade: masonry or stucco.
 - b. Side and Rear Facades: masonry, stucco, concrete block, or poured concrete.

B. Building Middle:

1. **Approved Exterior Façade Materials:**
 - a. Masonry;
 - b. Wood;
 - c. Wood composite;
 - d. Stucco;
 - e. EIFS (Exterior Insulation and Finish Systems);
 - f. Cementitious Fiberboard;
2. **Prohibited Exterior Façade Materials:**
 - a. Aluminum Siding;
 - b. Vinyl Siding;
 - c. Panel Siding;
 - d. Concrete Block;
 - e. T-111;
3. **Approved Exterior Trim Materials:**
 - a. Wood;
 - b. Wood composite;
 - c. EIFS;
 - d. High-density polymer;
 - e. Fiberglass molded millwork;
 - f. Cementitious Fiberboard;

C. Building Top:

1. Cornice:

- a. Slope-roofed Buildings: Minimum height of 18 inches required;
- b. Flat-roofed Buildings: If the front and side parapets are exposed to the street, the decorative cornice minimum height requirement is twenty-four (24) inches; on rear and other sides, roof termination strips, drip edges and gutters are permitted.
- c. **Approved Materials:**
 - i. Wood;
 - ii. EIFS;
 - iii. High-density polymer: Azek, Fypon or other approved equivalent materials;
 - iv. Faux stucco;
 - v. Metal.

2. Roof:

a. Approved Slope Roof Materials:

- i. Fiberglass shingles;
- ii. Shakes;
- iii. Tile;
- iv. Slate;
- v. Metal;
- vi. Solar panels, vegetative roofs and other devices or materials to supplement or conserve energy.

b. Approved Flat-Roof Materials:

- i. Non-ballasted membrane roofing systems;
- ii. Solar panels, vegetative roofs and other devices or materials to supplement or conserve energy.

c. Prohibited Roof Material:

- i. Tar and Gravel;
- ii. Gravel ballasted low-slope roofs.

D. Porch and Stoop Standards:

1. A front porch or stoop is required on all homes.
2. Porch floors shall be built of wood, masonry, concrete pavers or tile on all exposed surfaces.
3. The horizontal surface and steps of stoops shall be built of masonry, or concrete pavers.
4. Porch and stoop posts, columns, balustrades and handrail materials shall be built of wood, high density polymer, fiberglass, cementitious materials, aluminum or ornamental iron.
5. Porches on the front façade of homes on corner lots shall wrap around the corner facing the intersecting street and shall extend at least six (6) feet facing the intersecting street.

E. Windows:

1. Each home shall have a minimum of two (2) windows on each elevation.
2. Windows shall be built of wood, vinyl or wood-clad, with glass.

3. Glass that is visible from the front elevation shall be clear or stained glass unless glass block, tinted glass, or another glass material or glass cover is approved by the Architectural Review Committee.

F. Entry Doors:

1. Doors may be constructed of wood, embossed steel, fiberglass, and may have elements of wood veneer or glass.
2. Storm doors or screen doors may be installed as supplemental doors to the entrance door if they expose the full view of the entrance door.

G. Chimneys:

1. Exposed surfaces of all chimneys in front facades must be masonry or stucco, except as provided in items 2 and 3 below.
2. Exposed metal flues are prohibited in the front façade of the home.
3. Exposed metal flues may be installed on the rear of the home to a height no greater than six (6) feet above the point at which the flue exits the roof, if painted to match adjacent surfaces or enclosed in a wood chase, and if topped by a flue termination cap.

H. Architectural Diversity:

1. No home may have the same front elevation as any other home (i) within two (2) lots on the same side of the street, or (ii) directly across the street, or (iii) adjacent to a home directly across the street.
2. No fewer than fifty percent (50%) of the homes in each residential district must have porches.
3. No more than forty percent (40%) of the lots in Residential District 2 and no more than fifty percent (50%) of the lots in the LBH District shall be less than forty-five (45%) feet in width.

Section 3.3. Residential District 1.

This Section 3.3 shall apply to Residential District 1, comprising lots fronting on 166th Street. Residential District 1 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF-2 classification as specified in the Underlying Zoning Compendium. Said underlying zoning classification, as specified in the Zoning Compendium, is modified and replaced in its entirety by the deletions, additions, or modifications stated below, and the provisions of this Article 3.3, rather than the underlying zoning classification, shall govern the use and development of Residential District 1.

The purpose of this Residential District 1 is to form an appealing southern edge of Ackerson Farm, with substantial homes of architectural interest facing neighboring land south of 166th Street, and to integrate those homes within the walkable residential community that is planned for all of Ackerson Farm. The purpose will be accomplished by creating a traditional neighborhood with a hometown sense of place and access to trails, open spaces and other amenities. An equally important purpose of Residential District 1 is to establish the southernmost part of a planned transition from the larger lots and fields located south of Ackerson Farm to the smaller lots and commercial areas planned to the north, nearer State Road 32.

A. Permitted Uses

1. Detached single family dwellings and garages;
2. Carriage houses;
3. Religious institutions;
4. Accessory buildings as related to single family residential uses;
5. Temporary buildings and job site trailers for construction purposes during construction of Residential District 1;
6. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted with outside sales persons;
7. Signs as permitted by the sign ordinance;
8. All utilities for the limited purpose of serving homes and amenities in Ackerson Farm;
9. In-home child care in accordance with IC 36-7-4-1108;
10. Residential facility for the developmentally disabled in accordance with IC 12-28-4-7;
11. Residences above garages or above carriage houses;
12. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation: trails and access to amenities available to residents of Ackerson Farm.

B. Home Occupations

1. Permitted Home Occupations:
 - a. Art studio;
 - b. Dressmaking or tailoring;
 - c. Professional office;
 - d. Typing, computer, or other office services;
 - e. Music, dance or scholarly instruction;
 - f. Business conducted entirely by mail, Internet or off-site storage and delivery;
 - g. Repair, service or the refurbishing of equipment or parts, other than automobiles or large vehicles, if done entirely within the home or garage with no outside storage;
 - h. Home schools for eight (8) or fewer full-time or part-time children including members of the family unless the family itself is larger than eight (8).
 - i. Home garage sale not to exceed one (1) day per year.

2. Prohibited Home Occupation Uses and Activities:
 - a. Employment of any person other than the occupants of the home (except for domestic help unrelated to the home occupation);
 - b. Commercial and professional displays and signs;
 - c. Exterior storage of equipment or materials.

C. Lot Standards:

1. Basic Lot Standards for are set out in Table 3.3. All lots shall be at least one hundred (100) feet wide.
2. All lots will face the frontage road along 166th street.
3. Additional Lot Standards for Residential District 1:
 - a. Masonry walls, hedge rows or decorative fences are permitted at the front and side property line to a maximum height of forty-two (42) inches;
 - b. Front sidewalks shall connect directly to a public walkway.
 - c. Opened and closed patios and decks are permitted in rear and side yards;
 - d. Six-foot high hedgerows or privacy fences are permitted at the rear and side yard property lines if held completely behind the front façade;
 - e. Garages may be attached or detached;
 - f. Residences are permitted above garages or carriage houses;
 - g. Garden structures shall not exceed one hundred (100) square feet in area; shall not exceed the ceiling height of the home; shall be permitted in the side, rear and outdoor room areas of all lots, with the exception that on corner lots such structures are permitted only in outdoor room areas.
 - h. Mailboxes are to be located at the rear of all buildings with alley access.

D. Development Plan:

1. All proposed developments shall be subject to the requirements for the filing of a Development Plan as set forth in Article 10 and this Section.
2. Sidewalks or pathways shall be provided alongside all public or private streets and shall be designed to connect to an existing or proposed sidewalk, pathway or trail network.
3. All vehicle access points shall be developed in compliance with the criteria set forth in this Ordinance.

Section 3.4. Residential District 2.

This Section 3.3 shall apply to Residential District 2, comprising lots north of Residential District 1 to 171st Street. Residential District 2 is reclassified on the Zone Map from AG-SF1 Residence District Classification to Planned Unit Development District Classification, the underlying zoning classification of which shall be the SF 4 classification as specified in the Underlying Zoning Compendium. Said underlying zoning classification, as specified in the Zoning Compendium, is modified and replaced in its entirety by the deletions, additions, or modifications stated below, and the provisions of this Article 3.4, rather than the underlying zoning classification, shall govern the use and development of Residential District 2.

The purpose of this Residential District 2 is to create homes of architectural interest and diversity in style, lot size and house size to integrate those homes within the walkable residential community that is planned for all of Ackerson Farm. This purpose will be accomplished by creating a traditional neighborhood with a hometown sense of place and access to trails, open spaces and other amenities. An equally important purpose of Residential District 2 is to continue the transition from larger lots in District 1 to a blend of lot sizes and home styles leading to the Neighborhood Center near 171st Street and the Local Business Historic District and the Village Center north of 171st Street. Residential District 2 will contain parks and open spaces to be used by the entire community.

A. Permitted Uses:

1. Detached and attached single family dwellings;
2. Accessory buildings as related to single family residential uses;
3. Religious institutions;
4. Schools, either public or private, without dormitory accommodations;
5. Public parks;
6. Fire stations;
7. Temporary buildings and job site trailers for construction purposes during construction of Residential District 2;
8. Model homes and sales offices therein and temporary trailers from which lot and home sales activities may be conducted by outside salespersons;
9. Signs as permitted by the sign ordinance;
10. Home garage sales not to exceed two (2) days per year;
11. All utilities for the limited purpose of serving homes and amenities in Ackerson Farm;
12. In-home childcare, in accordance with IC 36-7-4-1108;
13. Residential facility for developmentally disabled in accordance with IC 12-28-4-7;
14. Residences above garages or above carriage houses;
15. Personal motor vehicle sales not to exceed two (2) vehicles per year.
16. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including all recreational developments, trails, and access to amenities available to residents of Ackerson Farm, including amenities identified in Section 3.4, below.

B. Home Occupations:

1. Permitted Home Occupations:

- a. Art studio;
- b. Dressmaking or tailoring;
- c. Professional office;
- d. Typing, computer, or other office services;
- e. Music, dance or scholarly instruction;
- f. Business conducted entirely by mail, Internet or off-site storage and delivery;
- g. Repair, service or the refurbishing of equipment or parts, other than automobiles or large vehicles, if done entirely within the home or garage with no outside storage;
- h. Home schools for eight (8) or fewer full-time or part-time children, including members of the family unless the family itself is larger than eight (8).

2. Prohibited Home Occupation Uses and Activities:

- a. Employment of any person other than the occupants of the home (except for domestic help unrelated to the home occupation);
- b. Commercial and professional displays and signs;
- c. Exterior storage of equipment or materials.

C. Lot Standards:

- 1. Basic Lot Standards for are set out in Table 3.4.
- 2. No more than forty percent (40%) of the lots in this District shall be narrower than forty-five (45) feet.
- 3. All lots adjacent to or directly across from Residential District 1 shall be a minimum of fifty-five (55) feet in width.
- 4. Additional Lot Standards are the same as stated in Article 3.3. C.3.

D. Development Plan:

All developments are subject to the same standards that are stated in Article 3.3. D.

Section 3.5. Residential Amenities.

A. Specifically Designated Amenities:

The following Amenities will be distributed throughout the Real Estate, for use by all residents in detached and multi-family residences within the Real Estate:

1. Community Clubhouse;
2. One (1) large neighborhood park.
3. Four (4) or more additional parks, playgrounds, or picnic areas in which at least two (2) of the following amenities shall be included in any one (1) or more of the parks: a basketball court, tennis court, volleyball court, or putting green;
4. Swimming pool with the neighborhood center or another building containing showers and changing rooms;
5. Trail connecting to the Midland Trail and continuing along the public right of way; see Public Realm Map (Exhibit D).
6. Internal trails, paths connecting to the Perimeter Trail.

B. In addition to the above amenities, at least two (2) of the following amenities shall be distributed throughout the Ackerson Farm for use by all residents of attached, detached and multi-family residences within Ackerson Farm:

1. Fitness Center;
2. Community vegetable and flower gardens;
3. Outdoor concert and movie facility;
4. Fishing pond;
5. Sports field.

C. Any amenity structure or facility or any part thereof, together with adjacent common areas, may be made available or rented to either Ackerson Farm residents or to non-residents for special occasions or special purposes under terms and conditions approved by the Developer or by an Association.

Table 3.3 Single Family Home Lot Standards:

Lot Width at Building Line	35 ft.	35 ft. - 44 ft.	45 ft. - 54 ft.	55 ft. - 64 ft.	65 ft.	65 ft. +	100 ft.
House Front Yard Set Back*	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	40 ft.
Entry Sloop and Porch Projections into Front Yard Set Back	steps only	steps only	steps only	steps only	steps only	steps only	steps only
Bays, Second Floor Cantilevers and Fireplace projections into Front Yard Set Back	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Overhang Projection into Front Yard Set Back	30 in.	30 inches	30 inches	30 in.	30 in.	30 in.	30 in.
House Front Yard Set Back Maximum*	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk
House Floor Line Elevation	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk	4 ft. above sidewalk
Front Yards raised above sidewalk	18 in.	18 inches	12 inches	18 in.	18 in.	18 in.	18 in.
House Side Yard Set Back	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Bays, Second Floor Cantilevers and Fireplace projections into Side Yard Set Back	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.	2 ft.
Overhang Projection into Side Yard Set Back	30 in.	30 inches	30 inches	30 in.	30 in.	30 in.	30 in.
House Side Yard set back at Portico-chere (no living space allowed above)	N/A	N/A	N/A	N/A	3 ft.	3 ft.	3 ft.
House Rear Yard Set Back	27 ft.	27 ft.	27 ft.	27 ft.	27 ft.	27 ft.	40 ft.
Garage with Alley	1 car min., 2 car max.	2 car min., 2 car max.	2 car min., 3 car max.	2 car min., 3 car max.	2 car min., 3 car max.	2 car min., 4 car max.	2 car min., 4 car max.
Garage Side Yard Set Back	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	3 ft.	7 ft.
Garage Rear Yard Set Back (front approach from alley)	7 ft.	7 ft.	7 ft.	7 ft.	10 ft.	7 ft.	20 ft.
Garage Rear Yard Set Back (side approach from alley)	N/A	N/A	N/A	10 ft.	10 ft.	10 ft.	20 ft.
Garage, no Alley ****	N/A	N/A	N/A	1 car min., 2 car max.	1 car min., 2 car max.	2 car min., 3 car max.	2 car min., 3 car max.
Front Yard Set Back from Front Elevation of Home	N/A**	N/A**	N/A**	8 ft.	8 ft.	8 ft.	8 ft.
Garage Door, maximum width	N/A	N/A	N/A	9 ft.	9 ft.	9 ft.	9 ft.
Cottage Homes							
Rear Yard Set Back (garage must be side loaded from the alley)	N/A	N/A	N/A	10 ft.	10 ft.	10 ft.	10 ft.
Bays, Second Floor Cantilevers and Fireplace projections into Rear Yard Set Back	N/A	N/A	N/A	2 ft.	2 ft.	2 ft.	2 ft.
Overhang Projection into Rear Yard Set Back	N/A	N/A	N/A	30 in.	30 in.	30 in.	30 in.
Side Yard Set Back	N/A	N/A	N/A	6 ft.	6 ft.	6 ft.	7 ft.
Bays, Second Floor Cantilevers and Fireplace projections into Rear Yard Set	N/A	N/A	N/A	2 ft.	2 ft.	2 ft.	2 ft.
Overhang Projection into Rear Yard Set Back	N/A	N/A	N/A	30 in.	30 in.	30 in.	30 in.
Maximum Living Space (none allowed on ground level)	N/A	N/A	N/A	550 sq. ft.	550 sq. ft.	550 sq. ft.	700 sq. ft.
Lot Area	2100 sq. ft.	3500 sq. ft.	5500 sq. ft.	6500 sq. ft.	7200 sq. ft.	8000 sq. ft.	20,000 sq. ft.
Minimum Gross Floor Area (On Ground Level)	1 Story: 900 sq. ft. Multiple story: 500 sq. ft.	1 Story: 1000 sq. ft. Multiple story: 700 sq. ft.	1 Story: 1000 sq. ft. Multiple story: 750 sq. ft.	1 Story: 1200 sq. ft. Multiple story: 800 sq. ft.	1 Story: 1200 sq. ft. Multiple story: 950 sq. ft.	1 Story: 1400 sq. ft. Multiple story: 1000 sq. ft.	1 Story: 2000 sq. ft. Multiple story: 1500 sq. ft.
Maximum Parcel Coverage	70%	70%	65%	75%	75%	75%	75%
Maximum Height to Top of Cornice***	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.

* Front yard set back to be increased by ten (10) feet from stated lot standards for any lots fronting the parkway.

** Homes with 35'-44' and 45'-54' frontage and 35' wide x 60' deep lots will have no front loaded garages.

*** Measured from finished grade level at main entrance of building to top of cornice, excluding gables, dormers, cupolas, chimneys, widow's watches, etc.

**** On front facing garage lots, the garage cannot be more than forty percent (40%) of the overall width of the front elevation of the home.

Table 3.4 Attached Single Home Lot Standards:

Lot width at Building Line	35 ft.	35 ft. - 44 ft.
Front Yard Set Back*	10 ft.	10 ft.
Entry Sloop and Porch Projections into Front Yard Set Back	steps only	steps only
Front Yard Set Back Maximum*		
Floor Line Elevation	4 ft. above sidewalk	4 ft. above sidewalk
Front Yards raised above sidewalk	18 in.	18 in.
House Side Yard Set Back at Common Wall	0 ft.	0 ft.
House Side Yard Set Back	6 ft. (zero if attached as double, one side)	6 ft. (zero if attached as double, one side)
Bays, Second Floor Cantilevers and Fireplace projections into Side Yard Set Back	2 ft.	2 ft.
Overhang Projection into Side Yard Set Back	30 in.	30 in.
Rear Yard Set Back: House	27 ft.	27 ft.
Garage	1 car min., 2 car max.	1 car min., 2 car max.
Garage Side Yard Set Back at Common Wall	0 ft.	0 ft.
Garage Side Yard Set Back	7 ft.	7 ft.
Garage Rear Yard Set Back	7 ft.	7 ft.
Cottage House Rear Yard Set Back	N/A	N/A
Lot Area	2100 sq. ft.	4000 sq. ft.
Minimum Gross Floor Area (On Ground Level)	1 Story: 900 sq. ft. Multiple story: 500 sq. ft.	1 Story: 1000 sq. ft. Multiple story: 700 sq. ft.
Maximum Parcel Coverage	70%	70%
Maximum Height to Top of Cornice ***	30 ft.	30 ft.

*** Measured from finished grade level at main entrance of building to top of cornice, excluding gables, dormers, cupolas, chimneys, widow's watches, etc.

ARTICLE 4. MULTI-FAMILY HOUSING

This Article 4 shall apply to the use and development of multi-family and attached housing units in the LBH District, the LB District, and the GB District, including residential condominiums, townhomes, triplexes, quadruplexes, the residential portions of live-work units, and flats.

The multi-family housing will provide: (a) transitional rental housing for singles, couples and families prior to their first home purchase; (b) condominiums, townhomes and other attached housing for starter homes, homes for persons with limited budgets, and homes for persons who prefer limited maintenance; (c) homes for empty nesters and for those retiring from larger homes; and (d) the residential portions of live-work units near the Village Center for both homes and businesses therein. Multi-family development can occur in block development, in fill or integrated lots with other buildings with front facades facing public streets. By fronting streets with buildings, visual edges will be created to the surrounding street network. Multi-family and attached housing will add diversity and will contribute to the transition from commercial and work areas in the northern areas to single family residential uses.

Section 4.1 Permitted Uses.

The following are permitted multi-family and attached housing uses within the LBH District, LB District, and the GB District:

- A. Attached single family homes;
- B. Live-Work units;
- C. Condominiums;
- D. Townhomes;
- E. Triplexes, quadruplexes, and six-unit buildings;
- F. Multi-family structures not to exceed twenty-four (24) units per building;
- G. Model homes, apartments, live-work areas and other residential units and sales offices therein and temporary trailers from which sales activities may be conducted with outside salespersons;
- H. Assisted living facilities;
- I. Hospices;
- J. Nursing homes;
- K. Child care home in accordance with IC 36-7-4-1108;
- L. Residential facility for developmentally disabled in accordance with IC 12-28-4-7;

- M. Residential common areas and privately owned amenity areas along with accessory uses, structures and improvements located thereon, including without limitation, recreational developments, swimming pools, fitness centers, clubhouses, access to trails, and amenities available to residents of Ackerson Farm, including amenities identified in Section 4.8 below. Any amenity structure or facility or part thereof, together with adjacent common areas, may be made available or rented to either Ackerson Farm residents or to non-residents for special occasions or for any purpose under terms and conditions approved by the Developer or by an Association created by a Declaration of the Developer;
- N. Detached garages and carriage houses;
- O. Home garage sales within a resident's garage not exceeding one (1) day per year;
- P. Accessory buildings related to uses listed below are permitted for townhomes.

Section 4.2 Permitted Home Occupations.

The following are permitted home occupations within multi-family and attached housing units:

- A. Art studio;
- B. Dressmaking or tailoring;
- C. Professional office;
- D. Typing, computer or other office services;
- E. Teaching music, scholarly subjects or dance;
- F. Business conducted entirely by mail, Internet or off-site storage and delivery;
- G. Repairing, servicing, or the refurbishing of equipment or parts, except that motor vehicle repair must be done entirely within house or garage.

Section 4.3 Prohibited Occupations and Uses.

- A. Employment of any person other than occupants of the home (except for domestic help unrelated to the home occupation).
- B. Commercial and professional displays and signs are prohibited, except that signage and displays that are otherwise permitted in the LBH District shall be permitted in connection with the work performed in live-work units.
- C. Exterior storage of equipment or materials is prohibited, except for (i) bicycle racks and other transportation storage facilities; or (ii) displays related to the work performed in a live-work unit that are otherwise permitted in the LBH District.

Section 4.4 Parking.

- A. Off-street parking shall be provided in accordance with Article 9.
- B. Additional parking spaces shall be as required by Article 9. Garage parking spaces will be included in calculating the number of parking spaces required.
- C. Parking lots are to be in rear yards enclosed by buildings or landscaping. Parking lots are to be maintained by the Developer or an Association created by the Developer who will be responsible for the following:
 - 1. Regular trash pick-up;
 - 2. Snow removal;
 - 3. Common vehicle access point(s), and drive(s) and parking area(s), including maintenance thereof.
- D. Detached garages are permitted in parking areas behind primary multi-family structures.
- E. Garages are not permitted in front or side yards.
- F. Garage doors cannot face public streets in attached or detached garages.
- G. Off-street parking is not permitted between the front face of a building and a public street, unless the buildings form a courtyard and parallel parking is part of the courtyard.
- H. Parallel, diagonal and head-in street parking are permitted in front of buildings and shall be included in calculating the number of parking spaces required.
- I. Access drives, parking areas, driveways, alleys and interior access driveways shall be constructed with a durable, dust free surface of concrete, asphalt, pavers, or other permeable or impermeable hard surface.

Section 4.5 Yard Requirements.

- A. Proximity slope will not be required.
- B. Minimum distance between buildings is established in Table 4.0.
- C. Maximum and minimum building heights are established in Table 4.0.
- D. Corner lot side yards shall be treated as front yards with building side elevation to be treated as a front elevation.
- E. Use of required yards: Building setbacks for front, side and rear yards shall be

landscaped in compliance with the requirements of Article 14 or may be hardscaped to coordinate with pedestrian walk areas; they shall remain free from buildings or structures except where expressly permitted below.

- F. Front yards adjacent to all districts shall have set back lines per Table 4.0.
- G. Front yard areas between the front building face and a public street may be landscaped and accessorized, may be enclosed to the back of a public walk with a 42" maximum height fence or hedge row.
- H. Access drives are permitted to parking areas behind buildings.
- I. Side yards adjacent to all districts: Building sides shall have setbacks per Table 4.0. Side yards may include interior access driveways, utilities, privacy walls, fencing, and hedge rows.
- J. Rear yards adjacent to all Districts: Building rear setback per Table 4.0. Rear yards may include interior access driveways and parking areas provided that all parking occurs behind the primary structures. Rear yards may include dumpsters, utilities, privacy walls, fencing, hedge rows, and attached and detached garages.

Section 4.6 Development Plan.

- A. Any proposed multi-family development in the Multi-Family District shall be subject to the requirements for the filing of a Development Plan as set forth Article 10 and this Section.
- B. Pedestrian Access and Orientation: Developers of multi-family sites shall provide sidewalks along all adjoining public or private streets. Such sidewalks or pathways shall be designed so as to connect to an existing or proposed sidewalk, pathway or trail network.
- C. Vehicle Access: Each vehicle access point shall be designed in compliance with the criteria set forth in this Ordinance.

Section 4.7 Architectural Standards.

Architectural standards may be the same as in Article 3.2.A or Article 5.2.D.

Section 4.8 Amenities.

- A. Amenities identified in this Section 4.8, shall be available for use by all residents of multi-family and attached residences in Ackerson Farm;
- B. At least one (1) park with a picnic area, playground, basketball court, volleyball court, or tennis court shall be provided in either the LBH District, the LB District,

or the GB District for each two hundred (200) multi-family or attached housing units, collectively, in those districts;

- C. Play equipment shall include a variety of elements within a designated area, mulched with Americans with Disabilities Act (ADA) and Consumer Product Safety Commission (CPSC) approved safety surfacing. The play elements shall include at least the following types: climbing, sliding, swinging and other play elements. All play area surfacing shall comply with the ADA and the CPSC requirements for fall heights and accessibility.

Section 4.9 Transportation Accessibility.

Street infrastructure within the LBH District, the LB District, and the GB District may be developed as public streets or private streets. Such infrastructure shall be perpetually accessible to residents and emergency vehicles.

Section 4.10 Landscaping and Buffering.

Landscaping in multi-family and attached housing lots within the LBH District, the LB District, and the GB District shall comply with the landscaping requirements in Article 14 of this Ackerson Farm PUD.

Section 4.11 Live-Work Standards.

Residential portions of live-work units shall comply with the standards of this Article 4. The standards of this Article 4 do not apply to work portions of live-work units.

Section 4.12 Lighting.

Lighting in multi-family and attached housing lots within the LBH District, the LB District, and the GB District shall comply with Article 15 of this ordinance.

Table 4.0 Multi-Family Standards

Unit Type****	Flats	Live/Work	Townhomes
Minimum Square footage/unit	550 square feet	1,200 square feet	900 square feet
Setback/Structure***			
Setback: Front Yard *	10 feet	2 feet	10 feet
Entry Stoop and Porch Projections into Front Yard Set Back	steps only	steps only	steps only
Bays, Second Floor Cantilevers, Balconies and Fireplace projections into Front Yard Set Back	2 feet	2 feet	2 feet
Overhang Projection into Front Yard Set Back	30 inches	30 inches	30 inches
Front Yard Set Back Maximum*	25 feet	15 feet	25 feet
Setback: Side Yard	10 feet	10 feet	6 feet
Bays, Second Floor Cantilevers, Decks, Balconies and Fireplace projections into Side Yard Set Back	2 feet	2 feet	2 feet
Overhang Projection into Side Yard Set Back	30 inches	30 inches	30 inches
Set back: Side yard at 2 Hour common wall	0 feet	0 feet	0 feet
Setback: Rear Yard from alleys or parking areas	6 feet	6 feet	6 feet
Overhang Projection into Rear Yard Set Back	30 inches	30 inches	30 inches
Lot Width Platted	Varies	20 feet	20 feet
Maximum Parcel Coverage	85%	95%	100%
Building Height to Top of Cornice **	45 feet	45 feet	45 feet
Distance between structures if detached	20 feet	20 feet	12 feet

* Front yard set back to be increased by 10 feet from stated lot standards for any lots fronting the parkway

** Measured from finished grade level at main entrance of building to top of cornice excluding gables, dormers, cupolas, chimneys or widow's watches.

*** Structure includes units and any associated garages. Carriage homes are not allowed.

****In the LBH District, it is anticipated that structures will be maintained historically, even as the uses of those structures may change from time to time. Thus, for example, one or more stories of a structure originally designed for multifamily use may later be used in whole or in part for live-work units, retail or office space. Therefore, structure designed in LBH according to the Multi-Family standards set out in this table may later be converted to other uses that are permitted in the LBH District without the need for a variance.

ARTICLE 5. BUSINESS DISTRICTS.

This Article 5 shall apply to the use and development of the Historic Local Business District ("LBH"), the Local Business ("LB") District, and the General Business ("GB") District. The underlying zoning classifications, as specified in the Zoning Compendium, are modified and replaced in their entirety by the deletions, additions, or modifications stated in this Article 5; and the provisions of this Article 5, rather than the underlying zoning classifications, shall govern the use and development of the Business Districts. Approval of this Ordinance shall establish adherence to developmental standards and conformity to the Master Plan and Zoning Ordinance.

Section 5.1 General Requirements.

The requirements stated in this Article 5 apply to the LBH, LB, and GB Districts, except that standards and provisions applicable to residential uses that are permitted in these Business Districts are stated separately in Article 3 of this Ordinance and standards and provisions applicable to multifamily uses that are permitted in these Business Districts are stated separately in Article 4 of this Ordinance. The standards stated in Article 3 and Article 4 of this Ordinance, respectively, shall supersede the standards in this Article 5 with respect to all residential and multifamily structures and all residential and multifamily uses within the Business Districts. Development plans shall be subject to the requirements of Article 10 of this Ordinance, except insofar as they may be subject to the requirements of Article 8 of this Ordinance. Permitted uses are stated in Article 11.

A. Parking, Loading and Unloading.

1. The number of required parking spaces required per use, including provisions for shared parking, shall be determined by this Ordinance. Parallel, diagonal, and head-in street parking adjacent to each building shall be included in calculating the number of parking spaces required. Groups of users requiring parking space may join in establishing shared parking areas with aggregate capacity equal to seventy percent (70%) of the sum of the separate requirements for each participating use. A typical analysis for determining parking space requirements for an office use is shown in the following example:

Street Parking: 13 spaces

Parking Lot: 27 spaces

Total Parking Spaces: 40 spaces

Parking Ratio: One parking space per 250 square feet

Shared Parking Factor: 70%

Allowable Building Square Footage Calculation:

40 (total parking spaces) x 250 (parking ratio) = 10,000 square feet

Increase for shared parking: $10,000 \div .70 = 14,300$ square feet

2. Public parking areas, access drives, alleys, interior driveways, and loading and unloading berths shall be constructed with a durable surface of concrete, asphalt, pavers or other permeable or impermeable surface.
3. Parking, customer pick-up areas and drive-through lanes may be permitted in all yards in all business districts, except as restricted below in the Historic Village District.
4. Loading and unloading berths shall not be required for business uses that do not receive or transmit goods or wares in quantity by truck delivery.

B. General Standards.

1. Chimneys, architectural features such as clock towers or bell towers, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, or essential mechanical appurtenances may be erected to any height not prohibited by laws or ordinances other than zoning laws and ordinances.
2. Permitted materials for building base for storefront conditions, building middle for all conditions other than storefront, building middle for storefront conditions, and building top for all conditions other than storefront shall be glass, wood, masonry, stucco, faux stucco, terra cotta, E.I.F.S., AZEK, precast concrete, preformed concrete, and fiber cement.
3. Permitted cornice materials shall be wood, E.I.F.S., AZEK, faux stucco, metal, and terra cotta.
4. Vinyl siding shall not be permitted.
5. Trash containers, other than decorative street sidewalk trash containers for general public use, either (i) shall be incorporated in the building mass, or (ii) shall be screened on all sides with a solid walled or fenced enclosure greater in height than any dumpster or other trash container therein, and in no case less than six (6) feet in height above grade, and equipped with solid gates.

Section 5.2 LBH District.

The purpose of the LBH District is to provide a mixed use community center that will be preserved through time to serve both the local neighborhood and the greater Westfield area and surrounding areas. The LBH District will focus street design, open spaces, and buildings to accommodate pedestrian-oriented office and work areas, retail businesses, civic activities, and multiple residential options. This District will create an environment that will be durable and adaptable for future uses, preservation, restoration, or reconstruction of buildings and civic spaces to meet changing needs over time.

The LBH District is reclassified on the Zone Map from the AG-SF1 Residence District classification to the Planned Unit Development District classification, the Underlying Zoning Classification of which shall be the Local Business Historic District in the Zoning ordinance, as specified in the Underlying Zoning Compendium. Said underlying zoning classification, as specified in the Zoning Compendium, is modified and replaced in its entirety by the deletions, additions, or modifications stated below. The provisions of this Section 5.2, rather than the underlying zoning classification, shall govern the use and development of the LBH District.

A. General Standards. Building and setback standards are shown in Table 5.2.

B. Parking.

1. Off-street parking shall be provided in accordance with Article 9 of this Ordinance. In the event of a conflict between parking standards in Article 9 and parking standards in this Section 5.2, the standards in this Section 5.2 shall govern.
2. Additional parking spaces shall be provided in accordance with Article 9 of this Ordinance. Garage parking spaces and driveway parking areas serving a single structure shall be included in calculating the number of parking spaces required.
3. Parking lots shall have 42-inch high perimeter walls or landscaping (not encroaching on right of way) or shall be enclosed by buildings to screen parking from sight at sidewalks. Parking lots shall be controlled by the Developer or an Association created by the Developer who shall be responsible for regular trash pick-up, snow removal, common vehicle access points, driveways(s) and parking area(s), including maintenance thereof.
4. Surface parking, garages or parking structures are permitted in parking areas behind primary structures. As parking needs change over time, surface parking lots in mid-block areas enclosed or partially enclosed by buildings fronting streets may be converted to multi-level parking decks or parking garages.
5. The first story of a multi-level parking deck or garage shall be set back a minimum of twenty-five (25) feet behind a lining of retail or office structures fronting the street, and use of any part of the building for parking shall be screened from street view.
6. Garage entrances or doors for uses serving public and private multi-parking facilities are permitted facing public streets and in the front façade of the primary structure.

C. Yard Requirements.

1. Front Yard Standards.

- a. Corner lot side yards shall be treated as front yards with building elevations treated as front elevations.
- b. Access drives to drive-through structures in side yards or rear yards are permitted. Drive-through structures in front yards are prohibited.
- c. Front courtyards are permitted between the face of buildings and sidewalks.
- d. Façade projections to a maximum of twenty-four (24) inches beyond the front set back line are permitted.
- e. Sidewalk cafes are permitted and may be enclosed with rails and covered with awnings or umbrellas.
- f. Colonnades or arcades are permitted over sidewalks on sides of streets that have no public water or sewer easement. Colonnades or arcades may extend to eighteen inches from the street right of way, and may have balconies or enclosed space above. Ceilings of colonnades or arcades shall be no lower than fourteen (14) feet.
- g. Storage or display of merchandise outside of a building other than during business hours shall not be permitted except for (a) items associated with sidewalk cafes (including canopies, umbrellas and peripheral rails), permitted sidewalk sales, and street furniture, or (b) in a lot established for that purpose, or (c) for items associated with permitted farmers markets or seasonal festivals.

2. Side Yard and Rear Yard Standards.

- a. Side yards may include interior access driveways, parking areas, or a side courtyard if enclosed by a hedge row, provided that no portion of any side parking area may be located closer to the street than the adjacent building edge. All of such interior areas may be paved.
- b. Side yards may include utilities, privacy walls, and fences.
- c. Rear yards may include interior access driveways and parking areas and may include utilities, privacy walls, attached and detached garages, dumpsters and loading berths.

D. Architectural Standards.

1. General Standards.

- a. Maximum and minimum building heights are shown in Table 5.2
- b. In blocks with more than one hundred sixty (160) feet of contiguous structures fronting the street, a pedestrian way or vehicle access way or both may be installed within the block.
- c. Building façades shall be grouped as 20-foot to 40-foot wide façade bays. Each bay or grouping of bays shall be identifiable as different from adjacent bays.
- d. Maximum length of a continuous façade shall be eighty (80) feet.

2. Building Base, Including Store Front.

- a. The building base and store front (the entirety of which may be called the building base) shall be of the same composition and shall identifiably ground the building to finish grade.
- b. Other than on sides that are store fronts, as much as, but not more than, eight (8) inches of foundation may be exposed below masonry or other permitted base materials.
- c. First story storefronts, bays and grouped windows shall be glazed to a minimum height of twelve (12) feet; all glass shall be vertical in proportion.
- d. Front entrance may be flush, recessed, or projected a maximum of twenty-four (24) inches into the front setback.

3. Building Base for All Conditions Other Than Store Fronts.

- a. The building base shall be masonry material a minimum of eighteen (18) inches above grade and shall identifiably ground the building to finish grade.
- b. No more than eight (8) inches of foundation shall be exposed below base materials.

4. Building Middle.

- a. Upper floors shall have vertically proportioned window openings.
 - b. Windows on façades shall be organized vertically from building base to building top.
5. Building Top.
- a. Cornice shall have a change in materials and detailing from the building middle.
 - b. Exposed sloped roofs are permitted.
 - c. Exposed sloped roofs shall have a minimum 7/12 pitch.
 - d. Single slope low-pitched roofs concealed with a flat front parapet are permitted; single slope low-pitched roofs concealed with a flat front parapet topped with detailed cornices or front gable shapes are also permitted. Single-sloped low-pitched roofs shall be non-ballasted membrane roofing systems.
 - e. Roof dormers are permitted.
 - f. Roof materials shall be shingles, metal, slate, tile, or shakes. Solar panels, vegetative roofs and other devices or materials to supplement or conserve energy are permitted.

E. Additional Architectural Standards for the Village Center.

- 1. Building and setback standards for Village Center are shown in Table 5.2.E
- 2. All glass above the first story shall be vertical in proportion.
- 3. Street furniture (e.g., tables, chairs, potted landscaping, and benches) and sculptures, signage, and merchandise are permitted on sidewalks subject to the requirements of Article 12, Section 12.2.
- 4. Rear façade materials may match front and side façade materials, or may be constructed of painted or colored pre-cast concrete or pre-formed concrete if the structure adjoins an alley. Rear façade materials shall match front façade materials if the structure adjoins a common parking area.

5. Trash containers, other than decorative street sidewalk trash containers for general public use, either (i) shall be incorporated in the building mass, or (ii) shall be screened on all sides with a masonry enclosure greater in height than any dumpster or other trash container therein, and in no case less than six (6) feet in height above grade, and equipped with solid gates.

Section 5.3 LB District.

The LB District is established to provide retail stores, office and work areas, and professional services to meet the needs of the Westfield, Washington Township and nearby areas. Permitted uses in this District include professional offices; national, regional and local retail stores; financial institutions; other businesses and institutions; and residential developments. The LB District will offer a transition from the LBH District to heavily trafficked areas to the north, east and west. As an extension of the LBH District; the street network, street profile, and street landscaping will continue into this District. With frontage on State Road 32, Ditch Road and Eagletown Road, this District is also situated to provide a wide range of goods, services and amenities, in the marketplace format of a lifestyle shopping area. The LB District, in combination with the LBH District, will seek to achieve a blend of approximately one third national retail tenants, one third regional retail tenants, and one third local retail tenants.

The LB District is reclassified on the Zone Map from the AGSF-1 Residence District classification to the Planned Unit Development District classification, the underlying zoning of which shall be the Local and Neighborhood Business District in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, as specified in the Zoning Compendium, is modified and replaced in its entirety by the deletions, additions, or modifications stated below. The provisions of this Section 5.3, rather than the underlying zoning classification, shall govern the use and development of the LB District.

- A. General Requirements. Building and setback standards are shown in Table 5.3.
- B. Parking, Loading and Unloading.
 1. Off-street, private parking, and loading and unloading berths shall be provided in accordance with Article 9 of this Ordinance. In the event of a conflict between parking standards in Article 9 and parking standards in this Section 5.3, the standards in this Section 5.3 shall govern.
 2. Additional parking spaces shall be provided in accordance with Article 9 of this Ordinance. Garage parking spaces and driveway parking areas serving a single structure shall be included in calculating the number of parking spaces required.
 3. Parking lots shall have 42-inch high perimeter walls or landscaping or shall be enclosed by buildings to screen parking from sight at sidewalks. Parking lots shall be controlled by the Developer or an Association created by the

Developer who shall be responsible for regular trash pick-up, snow removal, common vehicle access points, driveways(s) and parking area(s), including maintenance thereof.

C. Yard Requirements.

1. Yard Requirements.

- a. Any front courtyard shall be maintained as grass, garden or hardscaped plaza.
- b. Corner lot side yards shall be treated as front yards. Building side elevations on corner lots shall be treated as front elevations.
- c. Yards may include interior access driveways and may include parking areas, provided that no portion of the parking area may extend into the sidewalk and no portion of the parking area may be closer than three (3) feet from the alley.

D. Architectural Standards.

1. Building Base, Including Store Front.

- a. The building base and store front (the entirety of which may be called the building base) shall be of the same composition and shall identifiably ground the building to finish grade.
- b. Other than on sides that are store fronts, as much as, but not more than, eight (8) inches of foundation may be exposed below masonry or other permitted base materials.
- c. First story storefronts, bays and grouped windows shall be glazed to a minimum height of twelve (12) feet; all glass shall be vertical in proportion.
- d. Front entrance may be flush, recessed, or projected a maximum of twenty-four (24) inches into the front setback.

2. Building Base for All Conditions Other Than Store Fronts.

- a. The building base shall be masonry material a minimum of eighteen (18) inches above grade and shall identifiably ground the building to finish grade.

- b. No more than eight (8) inches of foundation shall be exposed below base materials.
 - c. Entrances may be flush, recessed, or projected a maximum of two (2) feet beyond building line.
3. Building Middle.
- a. Materials shall be continuous and consistent on all sides except sides or parts of sides that are not oriented to public areas.
 - b. Punched openings and bay windows are permitted above building base or storefront.
 - c. Storefront glazing shall be a minimum height of ten (10) feet above grade.
 - d. Canopies shall be centered on openings, may have a maximum length of twelve (12) inches beyond the length of the opening below, and may project to the right-of-way line.
4. Building Top.
- a. Cornice shall have a change of materials and detailing from the building middle.
 - b. Single slope low-pitched roofs concealed with a flat front parapet are permitted; single slope low-pitched roofs concealed with a flat front parapet topped with detailed cornices or front gable shapes are also permitted.
 - c. Exposed sloped roofs shall have a minimum 7/12 pitch.
 - d. Permitted sloped roof materials are metal, slate, tile shakes or shingle. Solar panels, vegetative roofs and other devices or materials to supplement or conserve energy are permitted.
 - e. Single-sloped low-pitched roofs shall be non-ballasted membrane roofing systems.
5. Building Rear. Rear façade materials may match front and side façade materials or may be constructed of painted or colored, pre-cast concrete or pre-formed concrete if the structure adjoins an alley. Rear façade materials shall match front façade materials if the structure adjoins a common parking area.

Section 5.4 General Business District.

The General Business District is established to accommodate the broader business needs of the township and the greater surrounding area. With frontage on State Road 32 and Ditch Road, adjoining land to the east zoned as open industrial and land to the south used for the Westfield Washington School Corporation's Transportation Center, this District has a broader scope of permitted uses than the LB District.

The General Business District is reclassified on the Zone Map from the AG-SF1 Residence District classification to the Planned Unit Development District classification, the Underlying Zoning Classification of which shall be the General Business classification in the Zoning Ordinance as specified in the Underlying Zoning Compendium. Said underlying zoning classification, as specified in the Zoning Compendium, is modified and replaced in its entirety by the deletions, additions, or modifications stated below. The provisions of this Section 5.4, rather than the underlying zoning classification, shall govern the use and development of the General Business District.

- A. General Requirements. Building and setback standards are shown in Table 5.4.
- B. Parking, Loading and Unloading. Off-street, private parking, and loading and unloading berths shall be provided in accordance with Article 9 of this Ordinance. In the event of a conflict between parking standards in Article 9 and parking standards in this Section 5.4, the standards in this Section 5.4 shall govern.
- C. Front Yard Lot Standards. Façade projections, including signage, awnings, lighting, stoops, pilasters, and cornices, are permitted beyond the front setback line.
- D. Architectural Standards.
 - 1. Building Base, Including Store Front.
 - a. The building base and store front (the entirety of which may be called the building base) shall be of the same composition and shall identifiably ground the building to finish grade.
 - b. Other than on sides that are store fronts, as much as, but not more than, eight (8) inches of foundation may be exposed below masonry or other permitted base materials.
 - c. First story storefronts, bays and grouped windows shall be glazed to a minimum height of twelve (12) feet; all glass shall be vertical in proportion.
 - d. Front entrance may be flush, recessed, or projected a maximum of twenty-four (24) inches into the front setback.

2. Building Base for All Conditions Other Than Store Fronts.

- a. The building base shall be masonry material a minimum of eighteen (18) inches above grade and shall identifiably ground the building to finish grade.
- b. No more than eight (8) inches of foundation shall be exposed below base materials.
- c. Entrances may be flush, recessed, or projected a maximum of two (2) feet beyond building line.

3. Building Middle.

- a. Punched openings and bay windows are permitted above building base or storefront.
- b. Storefront glazing shall be a minimum height of ten (10) feet above grade.
- c. Canopies shall be centered on openings, may have a maximum length of twelve (12) inches beyond the length of the opening below, and may project to the right-of-way line.

4. Building Top.

- a. Cornice shall have a change of materials and detailing from the building middle.
- b. Cornice materials shall be wood, EIFS, faux stucco, metal, masonry, terra cotta, or glazed terra cotta.
- c. Single slope low-pitched roofs concealed with a flat front parapet are permitted; single slope low-pitched roofs concealed with a flat front parapet topped with detailed cornices or front gable shapes are also permitted.
- d. Exposed sloped roofs shall have a minimum 7/12 pitch.
- e. Permitted sloped roof materials are metal, slate, tile shakes, or shingle. Solar panels, vegetative roofs and other devices or materials to supplement or conserve energy are permitted.

- f. Single-sloped low-pitched roofs shall be non-ballasted membrane roofing systems.
- 5. **Building Side and Rear.** Side and rear façade materials may match front façade materials or may be constructed of painted or colored pre-cast or pre-formed concrete if the structure adjoins an alley. Side and rear façade materials shall match front façade materials if the structure adjoins a common parking area.

Table 5.2

LBH Business Standards	LBH Office	LBH Retail
Secondary Internal Street Buildings		
Minimum Building Frontage	30 feet	20 feet
Front Yard Setback (Minimum)	8 feet	4 feet
Side Yard	3 feet	3 feet
Side Yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Side Yard on Corner Lot	4 feet	4 feet
Rear Yard to a property line	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Minimum building Height to top of Cornice	21 feet	21 feet
Maximum building Height to top of Cornice	60 feet*	60 feet*
Minimum Business Size	500 square feet	500 square feet
Maximum Business Size	75,000 square feet	75,000 square feet
State Road #32 Frontage Buildings (Fronting State Road 32)		
Minimum Building Frontage	20 feet	20 feet
Front Yard Setback (From State Road 32)	20 feet	20 feet
Side yards	3 feet	3 feet
Side yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Rear yards adjacent to residential	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Minimum Building Height to top of Cornice	21 feet	21 feet
Maximum Building Height to top of Cornice	80 feet*	80 feet*
Minimum Business Size	500 square feet	500 square feet
Maximum Business Size	35,000 square feet	35,000 square feet

* Maximum building height measured from finished grade at the main entry to top of cornice excluding gables, towers, dormers, cupolas, chimneys, or widow's watches

Note: Setbacks from Ditch Road and Eagletown Road shall be 20'-0" minimum.

Table 5.2.E

Village Center Buildings	LBH Office	LBH Retail
Minimum Building Frontage	20 feet	20 feet
Front Yard Setback (Minimum)	4 feet	4 feet
Front Yard Setback (Maximum)	20 feet	20 feet
Side Yard	3 feet	3 feet
Side Yard with a 2 hour fire wall separating building	0 feet	0 feet
Side Yard on Corner Lot	4 feet	4 feet
Rear Yard to a property line	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Maximum building Height to top of Cornice	80 feet*	80 feet*
Minimum Business Size	500 square feet	500 square feet
Maximum Business Size	35,000 square feet	35,000 square feet

*Note: Maximum building height measured from finished grade at the main entry to top of cornice excluding gables, towers, dormers, cupolas, chimneys, or widow's watches.

Note: Setbacks from Ditch Road and Eagletown Road shall be 20'-0" minimum.

Table 5.3

LB Business Standards	LB Office	LB Retail
Secondary Internal Street Buildings		
Minimum Building Frontage	30 feet	20 feet
Front Yard Setback (Minimum)	8 feet	4 feet
Side Yard	6 feet	6 feet
Side Yard with a 2 hour fire wall separating building	0 feet	0 feet
Side Yard on Corner Lot	4 feet	4 feet
Rear Yard to a property line	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Maximum building Height to top of Cornice	60 feet*	60 feet*
Minimum Business Size	500 square feet	500 square feet
Maximum Business Size	75,000 square feet	75,000 square feet
State Road #32 Frontage Buildings** (Fronting State Road 32)		
Minimum Building Frontage	40 feet	40 feet
Front Yard Setback (From State Road 32)	50 feet	50 feet
Side yards	5 feet	5 feet
Side yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Rear yards adjacent to residential	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Maximum Building Height to top of Cornice	40 feet*	40 feet*
Minimum Business Size	1,000 square feet	1,000 square feet
Maximum Business Size	35,000 square feet	35,000 square feet
State Road #32 Frontage Buildings (Fronting Secondary Internal Street)		
Minimum Building Frontage	40 feet	40 feet
Front Yard Setback (Minimum from Secondary Internal Street)	4 feet	4 feet
Side yards	5 feet	5 feet
Side yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Rear yards adjacent to residential	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Maximum Building Height to top of Cornice	40 feet*	40 feet*
Minimum Business Size	1,000 square feet	1,000 square feet
Maximum Business Size	35,000 square feet	35,000 square feet

* Maximum building height measured from finished grade at the main entry to top of cornice excluding gables, towers, dormers, cupolas, chimneys, or widow's watches

** Buildings nearest State Road 32, such as out lot buildings, are considered State Road 32 Frontage Buildings. Other, larger buildings will normally be separated from State Road 32 by a parking lot and an interior access road. Such buildings may face State Road 32 and be visible from State Road 32, but are not considered State Road 32 Frontage Buildings and therefore may occupy 75,000 square feet.

Note: Setbacks from Ditch Road and Eagletown Road shall be 20'-0" minimum.

Table 5.4

GB Business	GB Office	GB Retail
Secondary Internal Street Buildings		
Minimum Building Frontage	50 feet	50 feet
Front Yard Setback (Minimum)	4 feet	4 feet
Side Yard	20 feet	20 feet
Side Yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Side Yard on Corner Lot	4 feet	4 feet
Rear Yard to a property line	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Minimum Business Size	1000 square feet	1000 square feet
Maximum building Height to top of Cornice	80 feet*	80 feet*
State Road #32 Frontage Buildings (Fronting State Road 32)		
Minimum Building Frontage	30 feet	30 feet
Front Yard Setback (From State Road 32)	50 feet	50 feet
Side yards	5 feet	5 feet
Side yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Rear yards adjacent to residential	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Minimum Building Height to top of Cornice	20 feet	20 feet
Maximum Building Height to top of Cornice	50 feet	50 feet
Minimum Business Size	1000 square feet	1000 square feet
State Road #32 Frontage Buildings (Fronting Secondary Internal Street)		
Minimum Building Frontage	40 feet	40 feet
Front Yard Setback (Minimum from Secondary Internal Street)	4 feet	4 feet
Side yards	5 feet	5 feet
Side yard with a 2 hour fire wall separating buildings	0 feet	0 feet
Rear yards adjacent to residential	20 feet	20 feet
Rear yard from alley or parking lot	5 feet	5 feet
Minimum Building Height to top of Cornice	20 feet	20 feet
Maximum Building Height to top of Cornice	40 feet*	40 feet*
Minimum Business Size	1,000 square feet	1,000 square feet

* Maximum building height measured from finished grade at the main entry to top of cornice excluding gables, towers, dormers, cupolas, chimneys, or widow's watches

Note: Setbacks from Ditch Road and Eagletown Road shall be 20'-0" minimum.

ARTICLE 6. STATE ROAD 32 OVERLAY ZONE.

Section 16.04.075 of the Zoning Ordinance, entitled "State Road 32 Overlay Zone," shall be inapplicable to the Ackerson Farm PUD. Appropriate standards are specified in Article 1 through Article 5 and Article 8 through Article 18 of this Ordinance.

ARTICLE 7. STATE ROAD 32 LANDSCAPE OVERLAY ZONE.

Section 16.04.077 of the Zoning Ordinance, entitled "State Road 32 Landscape Overlay Zone," shall be inapplicable to the Ackerson Farm PUD. Appropriate standards are specified in Article 1 through Article 5 and Article 8 through Article 18 of this Ordinance.

ARTICLE 8. MULTI-FAMILY DEVELOPMENT PLAN, FENCING, ACCESSORY BUILDINGS, SWIMMING POOLS, and TRASH RECEPTACLES.

A Multi-Family Housing Development Plan Review Process ("Multi-Family DPR") is hereby established for multi-family housing and structures and facilities accessory thereto, including fences, accessory buildings, swimming pools, and trash receptacles in the Ackerson Farm PUD. The Multi-Family DPR shall be applicable to all Districts within the Ackerson Farm PUD in which multi-family housing is constructed. This Article supersedes and replaces in its entirety the Development Plan Procedures stated in Section 16.04.100 of the Zoning Ordinance and may be enforced by or against any developer or owner of any parcel on the Ackerson Farm PUD. In the event of any conflict with respect to multi-family housing uses and standards between this Article 8 and Article 10 of this Ordinance, this Article 8 shall prevail.

Section 8.1 Development Plan Procedures.

A Multi-Family Development Plan shall accompany an application for a location improvement permit. Development Plans for any and all parcels in the Ackerson Farm PUD shall be subject to approval by the Plan Commission, and the approval or disapproval of any and all Development Plans in the Ackerson Farm PUD is hereby delegated to the Plan Commission. After approval of Development Plans and any preliminary plats by the Plan Commission, the approval of a Detailed Development Plan and secondary plats shall be and hereby is delegated to the Director. The review process for Development Plans for individual out lots or blocks within a Development Plan previously approved by the Plan Commission shall be delegated to the Director.

- A. The Multi-Family Development Plan shall satisfy the standards stated in Article 4 of this Ordinance and may be consolidated in a single application with a Development Plan pursuant to Article 10 of this Ordinance. Each Development Plan shall demonstrate compliance with the requirements of this Ordinance, including the following:
 - 1. The requirements stated in this Ordinance for developments in the specific District within which the development is to occur.
 - 2. The requirements stated in this Ordinance for Off-Street Parking (Article 9), Landscaping (Article 14), Lighting (Article 15), and Signs (Article 16).
- B. Off-street parking areas and service facility areas shall be screened according to the standards stated in Article 9 of this Ordinance. The locations and species of shrubbery and trees and their locations shall be indicated on the Multi-Family Development Plan or on a separate Landscape Plan which shall become a part of the application for a location improvement permit.
- C. The locations of all driveways, parking areas, service facility areas, alleys and streets, and the location, type and size of proposed public water, sewage and drainage facilities shall either be shown on the Multi-Family Development Plan or on accompanying drawings.

Section 8.2 Accessory Buildings.

- A. Applicability. The standards of this Article 8 shall not apply to accessory buildings in compliance with the terms of the Westfield-Washington Township Zoning Ordinance prior to the revision of these standards on October 8, 2001. Such pre-existing structures shall be regarded as conforming structures. No variance to allow the continued use of such structures shall be necessary unless any newly proposed expansion or modification to such structures conflicts with the standards set forth within this Article 8, and then a variance may be required only with respect to the newly proposed expansion or modification.
1. Accessory buildings and garages may be constructed in the parking area behind the primary structure and shall satisfy the setback standards stated in Article 4 of this Ordinance.
 2. No accessory building shall be constructed upon a parcel until the construction of the principal building has been commenced.
 3. No accessory building shall be occupied or utilized unless the principal building on the same parcel is first legally occupied for a permitted use within the applicable District, except for the use of a temporary construction building for the storage of tools, materials, and other equipment during the period of construction.
- B. Construction Period. Construction of accessory buildings shall be completed within the following time periods:
1. Within one (1) year of the issuance of a building permit, in the event that such permit is obtained individually; or
 2. Within one (1) year of the completion of construction of the principal building, in the event that the building permit for the accessory building is obtained at the same time that the building permit for the construction of the principal building is obtained.

Section 8.3 Fences and Walls.

- A. Fences or walls on residential lots shall satisfy the standards stated in Article 4 of this Ordinance.
- B. Fences or walls enclosing tennis courts or other common recreational facilities other than swimming pools, and fences or walls enclosing or screening an institution, school, commercial or industrial property may be erected to a height of sixteen (16) feet. Said fences or walls may be constructed of masonry, wood, wrought iron, or of posts and planks composed of cementitious fiber or PVC; and may include open mesh or lattice components.

- C. Fences or walls enclosing swimming pools shall be erected to a height of not less than five (5) feet and not more than sixteen (16) feet; may be constructed of masonry, wood, wrought iron, or of posts and planks composed of cementitious fiber or PVC; and may include open mesh or lattice components.
- D. Fences or walls enclosing a park may be constructed of masonry, wood, wrought iron, or of posts and planks of cementitious fiber or PVC, not to exceed a height of forty-two (42) inches.
- E. No sign, fence, wall, shrub or other obstruction to vision exceeding three (3) feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the curb lines of the intersecting streets and a straight line connecting them at points twenty (20) feet distance from the intersection of the curb lines.
- F. Fences that obscure views from adjoining properties shall be installed so that a finished side of the fence is facing outward from the parcel upon which the fence is built.

Section 8.4 Swimming Pools.

Swimming pools shall satisfy the same setback requirements as the principal building to which they are an accessory, shall not be permitted in front yards, and shall be enclosed by a fence or wall not less than five (5) feet in height.

Section 8.5 Trash Receptacles.

Trash containers, other than decorative street sidewalk trash containers for general public use, either (i) shall be incorporated in the building mass, or (ii) shall be screened on all sides with a masonry enclosure greater in height than any dumpster or other trash container therein, and in no case less than six (6) feet in height above grade, and equipped with solid gates.

ARTICLE 9. OFF-STREET LOADING AND PARKING.

This Article 9 shall apply to off-street loading and parking in the use and development of the Ackerson Farm PUD and shall supersede off-street loading and parking terms and standards in the Zoning Ordinance. Development plans shall be subject to the requirements of Article 10 of this Ordinance, except insofar as they may be subject to the requirements of Article 8 of this Ordinance. In the event of any inconsistency between the terms and standards stated in this Article 9 and the terms and standards of Residential District 1, Residential District 2, the LBH, LB or GB District, the terms and standards of the LBH, LB and GB District, respectively, shall apply. Approval of this Ordinance shall establish adherence to developmental standards and conformity to the Master Plan and Zoning Ordinance.

Section 9.1 Loading Berths.

Off-street loading berths shall be located in alleys or parking areas sized to fit the user. Shared loading facilities are permitted.

Section 9.2 Off-Street Parking.

In connection with any building or structure that is to be erected or substantially altered that requires off-street parking spaces, such off-street parking spaces shall be provided as follows:

- A. Use. Except as may otherwise be provided for the parking of trucks or delivery vehicles or for special uses and special events, required accessory off-street parking facilities shall be for the use of adjacent property owners and businesses, their patrons, occupants, guests and employees.
- B. Location. Parking spaces shall be within three hundred (300) feet walking distance from the entrance to the building served. Where a building has a double front yard (i.e., opposing sides both face onto streets), a parking lot may be located in one of the front yards. Where a building is on a corner lot, the parking may be in the side yard.
- C. Computation. When determination of the number of off-street parking spaces required by this section results in a requirement of fractional space, any fraction of one-half ($\frac{1}{2}$) or less may be disregarded; while a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space. Street parking adjacent to the building shall be included in the parking count. Garage parking to serve the building shall be included in the parking count.
- D. Collective Provisions for Uses. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than seventy percent (70%) of the sum of the separate requirements of each such use.

- E. Size. A required off-street parking space shall be at least nine (9) feet in width and at least eighteen (18) feet in length for diagonal or head-in parking, and at least twenty (20) feet in length for parallel parking, exclusive of access drives, aisles, ramps, columns, and office or work area. Such space shall have vertical clearance of at least seven (7) feet.
- F. Access. Each required off-street parking space shall open directly upon an aisle or a driveway of such width and design as to provide safe and efficient means of vehicular access to such parking space, as stated in the table below.

Table 9.2

Angle of Parking Space	Aisle Width
45 degree angle	14 feet
60 degree angle	18 feet
90 degree angle	20 feet

All off-street parking facilities shall be provided with appropriate means of vehicular access to a street in a manner which will least interfere with traffic movements.

- G. Parking In Yards. Off-street parking spaces may be located in rear yards and side yards adjoining an alley, except that in the LB District and the GB District, parking is permitted in front yards. Parking areas shall be subject to the provisions stated in Article 5 with respect to the following:
1. The parking area must be asphalt, pavers, or other environmentally acceptable material.
 2. All maintenance and snow removal shall be controlled by the developer or an association created by the developer.
 3. The owner is responsible for any replacement of blacktop to said parking area necessitated by the Town's repair of underground facilities.
- H. Surfacing. All open off-street parking areas shall be improved with a compacted gravel or stone base, or equal, not less than four (4) inches thick, and surfaced with all-weather, dustless material in accordance with specifications established by the Department of Public Works or other permeable or impermeable materials acceptable to the Plan Commission and the Department of Public Works or the Town Council at the time of submission of the Development Plan.

- I. Lighting. A system of pole lights shall be installed to provide an adequate standard of illumination over the parking lot of planned business developments during business hours and minimum security illumination during non-business hours.
- J. Required Spaces. Spaces accessory to designated uses shall be provided as follows (based on calculations required in paragraph 9.2.C. above):
1. Residential Dwellings. Off street parking shall be required as follows:
 - a. Two (2) parking spaces for each dwelling in Residential District 1 and Residential District 2, and the LBH District.
 - b. Two-Family Dwellings: Two (2) parking spaces for each dwelling unit in the LB District, the LBH District, and the GB District.
 - c. Multi-Family Dwellings: One (1) parking space for each bedroom within the dwelling unit, with a maximum of two (2) parking spaces per unit, in the LB District, the LBH District, and the GB District.
 2. Business parking. Parking spaces, with or without parking meters, shall be provided as follows and shall include adjacent street parking:
 - a. Motels/Hotels:
 - i. One (1) parking space for each room.
 - ii. One (1) parking space for each two (2) employees on day shift.
 - b. Religious Institutions:
 - i. One (1) parking space for each five (5) seats.
 - ii. Garage parking spaces shall count toward the number of parking spaces required.
 - c. Theaters: One (1) parking space for each five seats.
 - d. Medical and Dental Clinics: Three (3) parking spaces for each examining or treatment room, plus one (1) parking space for each doctor and employee in the building.

- e. Drive-in Restaurants: One (1) parking space for each two (2) seats in service area plus one (1) parking space for each employee on primary shift.
- f. Establishments handling the sale and consumption of food and refreshment on the premises: One (1) parking space for each three (3) seats of serving area plus one (1) parking space for each employee on primary shift.
- g. Banks, Savings and Loans, and Financial Institutions: One (1) parking space per each three hundred and fifty (350) square feet of floor space.
- h. Retail stores: One (1) space per each three hundred and fifty (350) square feet of floor space.
- i. Business and Professional Offices and Public Administration Buildings: One (1) parking space per each two-hundred and fifty (250) square feet of assignable office area.
- j. Service Stations: One (1) parking space for each employee, plus two (2) spaces for each service stall.
- k. Parking space requirements for other uses will be determined by the Building Commissioner based upon data supplied by the applicant in response to traffic and parking data requested to be furnished with the application for an improvement location permit.

ARTICLE 10. DEVELOPMENT PLAN REVIEW.

A Development Plan Review ("DPR") process is hereby established for the Ackerson Farm PUD. The DPR process shall be applicable to all Districts in the Ackerson Farm PUD, except as specifically modified by Article 8 of this Ordinance with respect to multi-family housing. The DPR process shall be applicable to any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to this Ordinance. This Article supersedes and replaces in its entirety Section 16.04.165 of the Zoning Ordinance and may be enforced by or against any developer or owner of any parcel on the Ackerson Farm PUD.

Section 10.1 Development Plan Review Procedures.

The approval of a Development Plan shall be a prerequisite for any: (i) new construction; (ii) building additions; (iii) new or expanded surface parking areas; (iv) new or expanded surface loading areas; (v) exterior building renovations that require a building permit; or, (vi) permanent signs that require a permit pursuant to this Ordinance. Development Plans for any and all parcels in the Ackerson Farm PUD shall be subject to approval by the Plan Commission, and the approval or disapproval of any and all Development Plans in the Ackerson Farm PUD is hereby delegated to the Plan Commission. After approval of Development Plans and any preliminary plats by the Plan Commission, the approval of a Detailed Development Plan and secondary plats shall be and hereby is delegated to the Director. The authority to approve or disapprove any Development Plan, whether the initial Development plan or a Detailed Development plan, for any proposed development of or addition to a single family dwelling or accessory residential structure on an individual lot within Residential District 1, Residential District 2, and the LBH District is hereby delegated to the Director. The review process for Development Plans for individual out lots or blocks within a Development Plan previously approved by the Plan Commission shall be delegated to the Director.

- A. General Development Requirements. Each Development Plan shall demonstrate compliance with the requirements of this Ordinance, including the following:
 - 1. The requirements stated in this Ordinance for developments in the specific District within which the development is to occur.
 - 2. The requirements stated in this Ordinance for Landscaping (Article 14), Lighting (Article 15), and Signs (Article 16).
- B. Additional Requirements. Each Development Plan shall demonstrate the following:
 - 1. All applicable utilities have sufficient capacity to provide potable water, sanitary sewer facilities, electricity, telephone, natural gas, and cable service at a satisfactory level to meet the needs of the proposed development.

2. The entrances, streets and internal traffic circulation facilities in the proposed development are compatible with existing and planned streets and adjacent developments.

Section 10.2 Development Plan Review.

A Development Plan for a mixed use, retail, office, multifamily, or residential use shall satisfy the following additional requirements:

A. Site Access and Site Circulation.

1. All proposed site access locations from State Road 32 shall comply with all requirements of the Indiana Department of Transportation.
2. All proposed site access locations shall provide for safe and efficient pedestrian and vehicular movement to and from the proposed development.
3. Site circulation patterns shall be designed to minimize conflicts between vehicular and pedestrian traffic, and create a safe and efficient movement of both pedestrian and vehicular traffic in and around the site.
4. Where site access has been approved by an authorized agency other than the Town, the Plan Commission may review such site access approval in DPR if said authorized agency does not have, by law, exclusive jurisdiction over such approval.

B. Building Orientation. In addition to satisfying the requirements stated in Article 3 (Residential Districts), Article 4 (Multi-family Housing), and Article 5 (Business Districts) of this Ordinance, at least one (1) of the following two (2) design objectives shall be satisfied:

1. Development of single family dwellings in which the fronts of dwellings are adjacent to a perimeter street of the development are oriented toward the perimeter street.
2. Development of single family dwellings adjacent to a perimeter street with rear or side façades oriented to said perimeter street shall utilize multiple textures (e.g., rough, smooth, striated, etc.) or multiple architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each façade visible from the perimeter street.

3. **Building Materials.** Architectural diversity shall be enhanced by augmenting the building materials specified in this Ordinance with the use of multiple colors, multiple textures (e.g., rough, smooth, striated, etc.) or the addition of architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.).

Section 10.3 Findings Required for Approval of a Development Plan.

The Plan Commission or Director shall approve a Development Plan upon finding that the proposed development plan satisfies the development requirements specified in this Ordinance.

Section 10.4 Development Requirements which May be Waived.

In order to encourage innovative building and site designs capable of enhancing the quality of the built environment of Westfield and Washington Township, the Plan Commission may, pursuant to IC 36-7-4-1402(b)(4) and Section 18.2 of this Ordinance, waive or modify development requirements or standards.

Section 10.5 Plan Documentation and Supporting Information.

All applications for Development Plan approval (except for an individual single family dwelling or accessory residential structure on an individual lot in Residential District 1, Residential District 2, or the LBH District) shall include the following: Site Plan; Overall Plan; Landscape Plan; Building Elevations; Lighting Plan; Sign Plan; Site Access and Site Circulation Plan; and Statement of Development Build-Out.

Section 10.6 Procedures.

- A. Application for Development Plan. Approval by the Plan Commission shall comply with the following procedures:
 1. **Pre-Filing Conference.** A pre-filing conference with Staff is required prior to the filing of any Development Plan for public hearing before the Plan Commission. At the pre-filing conference, the petitioner shall provide three (3) copies of a preliminary sketch plan capable of depicting the proposed development. Staff may take up to ten (10) business days to review the proposed sketch plan and provide comments back to the petitioner. The petitioner is encouraged to incorporate the comments received from Staff into the design of the project prior to filing for Development Plan approval.

Notwithstanding anything contained in this Ordinance to the contrary, neither the Staff's conceptual review of the sketch plan nor Staff's comments to the petitioner relating thereto shall be considered a denial, approval or decision concerning the proposed Development Plan.

2. **Who May File.** Development Plans may be initiated by a petition signed by the owner of the land involved in the petition, or the owner's authorized agent and the Developer. If an authorized agent files a petition, a signed and notarized consent form must accompany the application.
3. **Filing Deadline.** All Development Plans shall be filed at least forty (40) days prior to the initial public meeting at which they are to be considered by the Plan Commission.
4. **Forms of Filing.** All Development Plans for public hearing by the Plan Commission shall be on forms provided by the Department of Planning. Site Plans, Overall Plans, Landscape Plans, Building Elevations, Lighting Plans, Sign Plans, Site Access and Site Circulation Plans, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of all petitions and supporting documentation required to be filed shall be as established by the Community Services Department.
5. **Findings of Fact.** The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.
6. **Specify Request.** All Development Plans shall specify the approvals or waivers requested. Any items, even if indicated on the proposed Site Plan, Overall Plan, Building Elevations or Site Access and Site Circulation Plan, shall not be considered a part of the request presented to the Plan Commission for its consideration unless specified in the Development Plan.
7. **Docketing by the Department of Planning.** Each Development Plan shall be reviewed for completeness, and all Development Plans determined to be in proper condition shall, within ten (10) days of filing, be numbered and docketed by the Staff for an initial hearing by the Plan Commission.
8. **Investigation of Petitions.** Upon assignment of a number and hearing date, a copy of the Development Plan and relevant supporting documentation shall be distributed to members of Staff and the members of the Technical Advisory Committee for review and comment.

The Director may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Staff concerning the proposal contained in the Development Plan and a report from members of the Technical Advisory Committee. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

9. Notice Requirements. All notices for public hearings regarding a Development Plan Approval before the Plan Commission shall be provided in accordance with the Plan Commission's Rules of Procedure.

B. Application for Development Plan. Approval by the Director shall be accomplished in compliance with the following procedures:

1. All Development Plans for approval by the Director shall be on forms provided by Department of Planning. In addition, Site Plans, Building Elevations, surveys, legal descriptions, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality. The number of copies of a Development Plan and supporting documentation required to be filed shall be as established by the Department of Planning.
2. Contact the Director to make an appointment to deliver the Development Plan and provide a brief explanation of the proposed development.
3. Director shall have a period of not more than fifteen (15) days in which to review the proposed Development Plan and either make a decision concerning the Development Plan or request, in writing, additional information from the applicant.
4. Director may seek the advice and comment of members of Staff or the Technical Advisory Committee prior to making a decision.
5. Any Development Plan, which has been delegated to the Director, may occur without public notice and without a public hearing.

6. Appeals of Determinations by Director. Any determination of the Director made under the authority of this Chapter may be appealed by any interested party to the Plan Commission within five (5) business days of such decision by filing a letter with the Plan Commission. Such letter shall request a hearing on the matter by the Plan Commission at the Plan Commission's next regularly scheduled meeting for which published notice of the appeal pursuant to I.C. 5-3-1 can be provided.

C. Fees. In order to defray administrative costs, the following fees shall be applicable:

1. Development Plans filed for Plan Commission approval – See the Zoning Ordinance or,
2. Development Plans filed for Director's approval – included in the building permit fee.

The applicant shall pay all fees at the time of filing of a Development Plan.

D. Hearings. All public hearings regarding a Development Plan before the Plan Commission shall be conducted in accordance with the procedures set forth in the Rules of Procedure of the Plan Commission and in this Article 10.

E. Amendments

1. Amendments to Development Plans pending determination by the Plan Commission.
 - a. Amendments Proposed at a Public Hearing. The applicant may make amendments to Development Plans pending determination by the Plan Commission at any time prior to a vote being called for by the Plan Commission. If, in the sole discretion of the Plan Commission, the proposed amendment is of such a nature that additional time is needed for review, the Plan Commission may continue the consideration of such amended Development Plan to the next meeting of the Plan Commission.

The Plan Commission, in its sole discretion, may assign a continued Development Plan to a committee of the Plan Commission for further review and evaluation prior to the next meeting of the Plan Commission.

If amendments are presented by the Petitioner and agreed to by the Plan Commission at the public hearing, revised plans indicating all amendments, as approved by the Plan Commission, shall be filed with the Community Services Department within thirty (30) days of the Plan Commission hearing or prior to the issuance of an Improvement Location Permit, whichever is earlier.

- b. Amendments To Development Plans Prior To Preparation of a Staff Report. In order for the written Staff Report regarding a Development Plan to include comments and recommendations related to plans amended in response to comments provided by Staff or members of the Technical Advisory Committee, any such amendments must be received by Staff at least two (2) weeks prior to the scheduled public hearing by the Plan Commission.

If the Director determines that additional changes have been made to the Development Plan beyond those necessary to comply with the recommendations of Staff or members of the Technical Advisory Committee, the Director may continue the public hearing of the Development Plan before the Westfield – Washington Township Plan Commission and require the re-submittal of the amended plans for review by Staff and members of the Technical Advisory Committee.

2. Amendments to Development Plans Pending Determination by the Director. The applicant may make amendments to Development Plans pending determination by the Director at any time prior to a determination being made by the Director. If, in the sole discretion of the Director, the proposed amendment is of such a nature that additional time is needed for review, the amended Development Plan shall be deemed a new filing and shall be reviewed within the time frames set forth in WC 16.04.165, I., 2., above for the initial review of Development Plans by the Director.
3. Amendments to Approved Development Plans. Minor amendments to Development Plans which have already received approval from the Plan Commission or the Director and which do not involve: (a) an increase in height, area, bulk or intensity of land uses; (b) the designation of additional land uses; (c) the reduction in perimeter yards; (d) the addition of driveways or access points; or, (e) reduction in the amount of parking for any use, may be authorized by the Director without a public hearing in its continuing administration of the Development Plan if, in the determination of the Director, the requested minor amendments do not adversely impact the purpose or intent of the overall development.

Such minor amendments authorized by the Director shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.

If the Director determines that the proposed minor modification is of such a nature as to adversely impact the purpose or intent of the overall development, or if the proposed modification includes an increase in intensity of any land use or if the proposed modification includes the designation of an additional land use(s), petitioner shall be required to file a new petition for Development Plan Approval.

Any decision of the Director regarding the amendment of Development Plan may be appealed by any interested party to the Plan Commission within thirty (30) days of such determination.

- F. Signature for Findings. All findings specified above for the approval of a Development Plan shall be reduced to writing and signed by the Director of the Community Services Department in the case of a determination by the Director, or by the President of the Plan Commission in the case of a determination by the Plan Commission, and retained as a part of the permanent record of the determination.

Section 10.7 Plan Documentation.

- A. Site Plan Approval by Plan Commission: This sub-section 10.7.A applies to all Development Plan Applications for which Plan Commission review is required and which review or approval has not been delegated to the Director.

A site plan that indicates the nature of the proposed development shall be filed in connection with the submission of a Development Plan, shall be drawn to scale of not more than 1"=100', and shall include the following items:

1. North arrow;
2. Graphic scale;
3. Address of the site;
4. Proposed name of the development;
5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;

6. Legal description of the site;
7. Boundary lines of the site including all dimensions of the site;
8. Names, centerlines and right-of-way widths of all streets, alleys and easements;
9. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines or building setback lines;
10. Location and dimensions of all existing structures, including paved areas;
11. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;
12. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
13. Location of all floodway and floodway fringe areas within the boundaries of the site;
14. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
15. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - # of parking spaces required and provided, residence - # of dwelling units per net acre, office - gross floor area);
16. Structures proposed for demolition should be indicated as such;
17. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
18. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
19. All improvements to street system on-site and off-site;
20. Plan for sidewalks or Alternate Transportation System;

21. Measurement of curb radius and/or taper;
22. Names of legal ditches and streams on or adjacent to the site;
23. Location and type (e.g. ground, pole, wall) of all signs on the site;
24. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails or other similar uses;
25. Existing zoning and land use of all adjoining real estate; and
26. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

- B. Site Plan Approval by Director. This Section 10.7(B) applies to all Development Plan Applications the review or approval of which is delegated to the Director.

A site plan that indicates the nature of the proposed development shall be filed in connection with the submission of a Development Plan, shall be drawn to scale of not more than 1" = 100', and shall include the following items:

1. North arrow;
2. Graphic scale;
3. Address of the site;
4. Legal description of the site;
5. Boundary lines of the site including all dimensions of the site;
6. Names, centerlines and right-of-way widths of all streets, alleys and easements;
7. Location and dimensions of all existing structures, including paved areas;
8. Location and dimensions of all proposed structures, including paved areas, and indicated by cross-hatching;

9. Location of all floodway and floodway fringe areas within the boundaries of the site;
10. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
11. Use of each structure by labeling and size (e.g. one story house – 1,200 sq. ft., detached garage – 576 sq. ft., storage shed – 120 sq. ft.);
12. Structures proposed for demolition should be indicated as such;
13. Distance of all structures from front, rear and side lot lines. (This distance is measured as a line from the point where the structure is closest to the lot line. This line is perpendicular to the lot line.);
14. Location of any proposed or existing driveway and its width at the lot line. (Any connection to an alley must also be indicated);
15. Measurement of curb radius and/or taper;
16. Names of legal ditches and streams on or adjacent to the site; and,
17. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Site Plan requirements listed above, which are not necessary to support a thorough review of the project.

- C. Overall Plan. (Not required for single family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). An Overall Plan indicates the nature of the subject project and its relationship to the major features of the larger integrated center of which the project is a part. If applicable, an Overall Plan shall be filed in connection with the submission of a Development Plan, shall be drawn to scale of not more than 1"=100', and shall include the following items:

1. North arrow;
2. Graphic scale;
3. Address of the site;

4. Proposed name of the development;
5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternative Transportation System, as well as the zoning and land use of adjacent property;
6. Legal description of the site;
7. Boundary lines of the site including all dimensions of the site;
8. Names, centerlines and right-of-way widths of all streets, alleys and easements;
9. Layout, number, dimension and area (in square feet and acres) of all lots and out lots with zoning setback lines and/or building setback lines;
10. Location and name of all existing and proposed public or private streets, access easements, Alternative Transportation System, and rights-of-way within two-hundred (200) feet of the site;
11. Location of all floodway and floodway fringe areas within the boundaries of the site;
12. Location of all existing and proposed utility facilities and easements, including, but not limited to: sanitary sewer, water, storm water management, electric, gas, telephone and cable;
13. All improvements to street system on-site and off-site;
14. Plan for sidewalks or Alternate Transportation System;
15. Location, dimensions, and type (e.g. ground, pole, wall) of all signs on the site. Include separate elevations of proposed sign structures with all dimensions drawn to scale;
16. Areas reserved for park, recreation, conservation, wetland, common area, lake or other similar uses;
17. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Overall Plan requirements listed above, which are not necessary to support a thorough review of the project.

D. Landscape Plan. (Not required for single-family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). Landscape Plans filed in connection with the submission of a Development Plan shall indicate compliance with the requirements for Landscaping (Article 14 of this Ordinance); shall be drawn to scale of not more than 1"=100'; and shall include the following items:

1. Names and addresses of owners, developers, plan preparers, plan preparation dates, graphic scale of drawings, and north arrow;
2. Address of the site;
3. Proposed name of the development;
4. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights-of-way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
5. Locations, quantities, sizes and names (botanical names and common names) of planting materials;
6. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
7. Locations of barriers to be placed at or beyond the driplines of trees to be preserved and types of materials to be used for barriers;
8. Planting and installation details as necessary to ensure conformance with required standards;
9. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill;
10. Tables clearly displaying relevant statistical information, including numbers of existing trees, numbers of trees to be preserved, etc.;

11. Overlay sheets at the same scale as landscape plans that display locations, sizes, and common names of individual trees that measure eight (8) inches or more in caliper, areas of dense trees or shrubs, and other natural areas which are to be preserved or removed; and
12. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Landscape Plan requirements listed above, which are not necessary to support a thorough review of the project.

- E. Building Elevations. (Not required for single-family dwellings or accessory residential structures on an individual lot in a Residential District 1 or Residential District 2) Building Elevations filed in connection with the submission of a Development Plan shall be drawn to scale and shall include the following items:

1. Address of the site;
2. Proposed name of the development;
3. Graphic scale;
4. Elevations for each facade of the building;
5. Specification or sample of the type and color of building materials to be used for all wall, window, roof and other architectural features;
6. A separate true color rendering of the proposed building, including any proposed wall sign;
7. Placement, size, color and illumination details for any proposed wall sign;
8. Details of any exterior architectural lighting proposed on or around the building;
9. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Building Elevation requirements listed above, which are not necessary to support a thorough review of the project.

F. Lighting Plan (Not required for single family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). Lighting Plans filed in connection with the submission of a Development Plan shall: indicate compliance with the requirements of Article 14 of this Ordinance (Lighting Standards), be drawn to scale of not more than 1"=100', and, include the following items:

1. North arrow;
2. Graphic scale;
3. Address of the site;
4. Proposed name of the development;
5. Boundary lines of the site including all dimensions of the site;
6. Location and dimensions of all existing structures, parking areas and walkways;
7. Type and location of all exterior lighting fixtures, including, wattage and type of light;
8. Intensity of lighting at base of light structure and at the lot line measured in foot-candles;
9. If architectural building lighting is proposed, indicate the location, type and intensity of lighting on each building façade. (If architectural building lighting is proposed, the photometric plan shall include the architectural building lighting in the measurement of overall light intensity at the lot line.);
10. Timing of lighting and method of control of lighting; and
11. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Lighting Plan requirements listed above, which are not necessary to support a thorough review of the project.

G. Sign Plan. (Not required for single family dwellings or accessory residential structure on an individual lot in Residential District 1 or Residential District 2). Sign Plans filed in connection with the submission of a Development Plan shall

indicate compliance with the requirements of Article 16 of this Ordinance (Sign Standards) shall be drawn to scale and, shall include the following items:

1. Address of the site;
2. Proposed name of the development;
3. Graphic scale;
4. A site plan indicating the location of any existing or proposed freestanding signs;
5. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
6. Elevation of proposed signs including size, materials and color;
7. A true color rendering of the proposed signs;
8. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination; and
9. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.

Director, in his or her sole discretion, may, in writing, waive or relax any of the Sign Plan requirements listed above, which are not necessary to support a thorough review of the project.

- H. Site Access and Site Circulation Plan. (Not required for single-family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). The Site Access and Site Circulation Plan shall be drawn to scale of not more than 1"=100' and shall include the following items:

1. North arrow;
2. Graphic scale;
3. Address of site;
4. Proposed name of the development;
5. Area map insert showing the general location of the site referenced to major streets, section lines and Alternate Transportation System;

6. Names, centerlines and right-of-way widths of all streets, alleys and easements;
7. Location and name of all existing and proposed public or private streets, access easements and rights-of-way within two-hundred (200) feet of the site;
8. Location of any proposed or existing driveway onto a street or alley and its width at the lot line;
9. Depictions of all travel lanes, turning movements, vehicle storage areas and tapers, including dimensions, at all driveways;
10. All improvements to the street system on-site and off site;
11. Centerline measurements between all existing and proposed driveways within two-hundred (200) feet of the site;
12. Measurement of curb radius and/or taper;
13. Location and dimensions of primary vehicular ways in and around the proposed development;
14. Location of any proposed or existing sidewalk or pathway;
15. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or Director.
 - a. The Site Access and Site Circulation Plan requirements listed above may be incorporated into the required Site Plan.
 - b. The Director, in his or her sole discretion, may, in writing, waive or relax any of the Site Access and Site Circulation Plan requirements listed above, which are not necessary to support a thorough review of the project.

- I. Traffic Impact Study. (Not required for single-family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). A Traffic Impact Study shall be required when a proposed development will meet or exceed the warrants of the INDOT Traffic Impact Study Guidelines (i.e., (i) one-hundred and fifty (150) or more dwelling units; (ii) fifteen thousand (15,000) square feet or more of retail space; (iii) thirty-five thousand (35,000) or more square feet of office space; (iv) seventy thousand (70,000) square feet or more square feet of industrial space; (v) thirty thousand

(30,000) square feet or more of educational space; (vi) one-hundred and twenty (120) or more occupied rooms; (vii) forty-six thousand (46,000) or more square feet of medical space; or, (viii) any mixed use development which generates one-hundred (100) or more peak hour trips in the peak direction). A registered professional engineer shall prepare the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, an applicant shall meet with the Staff of the Community Development Department to determine an appropriate scope for the Traffic Impact Study.

- J. Statement of Development Build-Out. (Not required for single-family dwellings or accessory residential structures on an individual lot in Residential District 1 or Residential District 2). Petitioner shall indicate, either on the submitted site plan, overall plan, or in writing, a statement of: (i) the order of development of the major infrastructure elements of the project; (ii) project phase boundaries, if any; (iii) the order and content of each phase; and (iv) an estimate of the time frame for build-out of the project.

Section 10.8 Transitional Rules.

Any application for Development Plan or Improvement Location Permit which has been filed with the Department of Planning and which application is full and complete under the provisions of the Zoning Ordinance prior to the effective date of this Ordinance shall continue to be processed to completion pursuant to the terms and conditions of the Zoning Ordinance in effect at the time of making such application.

- A. In the case of a Development Plan subject to these Transitional Rules, substantial completion shall occur within two (2) years of the date of approval by the Plan Commission. The Director may, for good cause shown, grant a one-time extension of up to one (1) year in duration to obtain substantial completion. If substantial completion has not occurred within two (2) years of the date of approval, or by the end of the one (1) year extension period if granted by the Director, the developer shall present a Special Request before the Plan Commission for an extension of time in which to achieve substantial completion. If an extension of time is either: not requested; or, denied by either the Director or the Plan Commission, the prior Development Plan approval shall be deemed null and void and any further development of the site shall require the approval of a new Development Plan in compliance with the terms and provisions of the Zoning Ordinance in effect at the time of filing of the new Development Plan.
- B. Substantial completion shall mean, by way of example, the completion of infrastructure or structural improvements which are essential to: (i) the safe and efficient development of eighty (80) percent or more of the lots in a subdivision; or, (ii) the safe habitability, use or function of a structure.

ARTICLE 11. PERMITTED USES IN BUSINESS DISTRICTS

Ackerson Farm PUD District	LBH	LB	GB
Residential Uses			
Single Family	x		
Attached Single Family	x	x	x
Town Homes	x	x	x
Duplex	x	x	x
Triplex	x	x	x
Quadruplex	x	x	x
Live/Work Units	x	x	x
Multifamily Units	x	x	x
Condominiums	x	x	x
Nursing Homes, Retirement Centers, Board and Care Centers	x	x	x
Assisted Living Facilities	x	x	x
Business Uses			
Accountants, Architects, Engineers, Consultants	x	x	x
Advertising and Business Sign Fabrication			x
Adult Book Stores, Adult Novelty Stores, and Strip Clubs are prohibited			
Amphitheaters	x	x	x
Antiques	x	x	x
Hotels, Motels, Bed and Breakfasts	x	x	x
Art Schools	x	x	x
Artisan Schools	x	x	x
Assembly Halls	x	x	x
Pottery, Craft Production Shops	x	x	x
Auction Rooms			x
Auditoriums	x	x	x
Auto Parts Sales		x	x
Auto Rentals		x	x
Auto Repair Garages			x
Auto Rustproofing is prohibited			
Auto Storage is prohibited			
Auto Sales, New, Used, or Antique	x*	x*	x
Bakeries	x	x	x
Banks, S&Ls and Financial Institutions with or without Drive-Through	x	x	x
Barber, Beauty Shops, Spas, Tanning Salons, Fitness Centers	x	x	x
Barber and Beauty Schools	x	x	x
Bicycle and Electric Scooter Sales, Service and Repair	x	x	x
Billiard Parlors	x	x	x
Blueprinting, Photocopying Job Printing	x	x	x
Boat and Trailer Sales and Service			x
Book Stores	x	x	x
Bowling Alleys	x	x	x
Business and Clerical Schools	x	x	x
Bus Stations			x
Bus Stops	x	x	x
Camera Stores	x	x	x
Caskets and Casket Supplies within Mortuaries			x
Cemetery Monument Sales			x
Cemetery Monument and Tombstone Manufacturing or Sales are prohibited			
Charitable Donation Pick-Up Stations	x	x	x
Charitable Institutions	x	x	x
China and Glassware Shops	x	x	x

Business Uses (Continued)			
Churches, Chapels, and Places of Worship	x	x	x
Civic Centers	x	x	x
Civic Clubs	x	x	x
Coin Shops	x	x	x
Commercial Parking Lots and Structures	x	x	x
Commissary, Food Catering Services	x	x	x
Concrete Contractors, Heavy, are prohibited			
Consumer Service Offices	x	x	x
Crating and Packaging Services	x	x	x
Credit Union Offices	x	x	x
Custard, Ice Cream, Dessert, Candy Shops	x	x	x
Dancing Schools	x	x	x
Delicatessens	x	x	x
Dentists	x	x	x
Department Stores, Under 10,000 sq. ft.	x	x	x
Department Stores, Over 10,000 sq. ft.	x	x	x
Distributors, Inside Storage		x	x
Distributors, Outside Storage, are prohibited			
Drive-Through Food and Beverages	x	x	x
Drive-In Food and Beverages	x	x	x
Drug Stores	x	x	x
Dry Cleaning or Laundry Pick-up Stations with or without Drive-Throughs	x	x	x
Dry Cleaning using Non-Polluting Materials	x	x	x
Educational Institutions Public and Private	x	x	x
Electrical Contractors, Heavy, are prohibited			
Electrical or Non-Polluting Vehicle Service, Rentals & Sales	x	x	x
Electrical Supply Stores	x	x	x
Electronics, Computer, Cable, TV, Internet & Related Sales & Service	x	x	x
Embalming Schools are prohibited			x
Employment Agencies	x	x	x
Exhibition Halls	x	x	x
Exterminators	x	x	x
Fabric Shops	x	x	x
Farm Implement Sales and Service			x
Feed Stores		x	x
Fire Stations	x	x	x
Floor Coverings	x	x	x
Florists	x	x	x
Fruit Stands, Permanent	x	x	x
Fruit Stands, Temporary (Farmers Market)	x	x	x
Furniture Stores	x	x	x
Furrier Shops are prohibited			
Galleries	x	x	x
Garden and Lawn Materials and Supply Stores	x	x	x
Gasoline and Alternative Fuel Stations		x	x
General Construction Company Offices	x	x	x
Gift Shops	x	x	x
Glass Fabrication and Installation			x
Government Offices, Universities	x	x	x
Greenhouses, Retail	x	x	x
Grocery Stores and Supermarkets	x	x	x
Health, Fitness, and Exercise Centers	x	x	x
Hardware Stores	x	x	x

Business Uses (Continued)			
Hobby Shops	x	x	x
Home Remodeling Company Offices	x	x	x
Home Remodeling Supplies and Materials			x
Hospitals, Medical, and Dental Clinics and Labs	x	x	x
Industrial Laundry and Dry Cleaning Plants are prohibited			
Insurance Companies	x	x	x
Interior Decorating	x	x	x
Jewelry Stores	x	x	x
Language Schools	x	x	x
Laundromats and Self-Service Dry Cleaning	x	x	x
Lawyers	x	x	x
Libraries	x	x	x
Liquor Stores are prohibited			
Loan Offices	x	x	x
Locksmith Shops	x	x	x
Luggage Stores	x	x	x
Lumber Yards, Including Millwork			x
Mail Order Stores	x	x	x
Major Appliance Stores	x	x	x
Millinery	x	x	x
Miniature Golf, Batting Range, Rock Climbing & Other Small Recreation	x**	x**	x
Miniature Enclosed Electrical Driving Centers			x
Mobile Home Sales are prohibited			
Model Display Homes and Garages	x	x	x
Mortuaries		x	x
Motorcycle Sales, Rentals and Service (indoor display)	x	x	x
Museums	x	x	x
Music, Records, Instruments	x	x	x
Music Schools	x	x	x
Newspaper Distribution Stations		x	x
Newspaper Publishing		x	x
Nursery, Plants, Retail	x	x	x
Optometrists	x	x	x
Paint and Wallpaper Stores	x	x	x
Painting and Decorating Contractors, Heavy Commercial			x
Pet Grooming	x	x	x
Pet Obedience Schools		x	x
Pet Shops	x	x	x
Philanthropic Institutions	x	x	x
Photography Schools	x	x	x
Photography Supplies	x	x	x
Physicians and Health Care Personnel	x	x	x
Picture Framing	x	x	x
Plumbing Contractors, Heavy Commercial, are prohibited			
Plumbing Showrooms with Shops	x***	x	x
Police Stations	x	x	x
Post Offices and Private Mail or Courier Services	x	x	x
Printing and Photocopying	x	x	x
Professional and Technical Schools	x	x	x
Real Estate Offices	x	x	x
Recycling Collection Facilities			x****
Restaurants and Dining Facilities having > 50% Gross Sales from Food	x	x	x
Restaurants and Dining Facilities having < 50% Gross Sales from Food	x	x	x
Restaurants with Live Entertainment	x	x	x

Business Uses (Continued)			
Roller and Ice Skating Rinks	x	x	x
Roofing Contractors, Heavy Commercial, are prohibited			
Root Beer, Coffee, Non-Alcoholic Beverage Stores with or without Drive-Ins	x	x	x
Self Service Car Washes		x	x
Semi-Automatic Car Washes		x	x
Septic System Contractors are prohibited			
Sewing Machine Sales and Service	x	x	x
Sheet Metal Contractors, Heavy Commercial, are prohibited			
Shoe Repair	x	x	x
Shoe Stores	x	x	x
Sporting Goods	x	x	x
Stationery Stores	x	x	x
Storage and Transfer (Household goods)			x
Storm Doors, Windows, Awnings, Siding Contractors and Manufacturers are prohibited			
Swim Clubs	x	x	x
Tailors or Seamstresses	x	x	x
Taxidermists are prohibited			
Tennis Facilities and Tennis Clubs	x	x	x
Testing Laboratories	x	x	x
Theaters, Indoor	x	x	x
Tire and Auto Service Centers		x	x
Tire Recapping is prohibited			
Tool and Light Equipment Rentals	x	x	x
Toy Stores	x	x	x
Trailer Rentals		x	x
Travel Bureaus	x	x	x
Travel Trailer Sales and Rentals			x
Truck Cleaning, Service, Rentals and Repair are prohibited			
Trucking Companies are prohibited			
Upholsteries	x	x	x
Veterinarians, Small Animals, No Outdoor Runs		x	x
Warehouses, Inside Storage			x
Apparel and Accessory Shops	x	x	x
Wholesalers, Inside Storage			x
Windmills and Geothermal Devices	x*****	x*****	x
Industrial and Other Uses			
Amusement Parks			x
Cell Phone Towers			x
Christmas Tree Sales	x	x	x
Convents, Monasteries, Theological Schools	x	x	x
Fraternities, Lodges	x	x	x
Day Care Centers	x	x	x
Golf Courses, Country Clubs, are prohibited			
Heliports for Hospitals		x	x
Kennels, Including Outdoor Runs, are prohibited			
Livestock Auction Sale Barns are prohibited			
Large Animal Hospitals are prohibited			
Mobile Home Parks are prohibited			
Office Buildings, General Purpose	x	x	x
Private and Public Schools with Dorms		x	x
Private Clubs and Lodges	x	x	x
Racquetball and Handball Clubs, Fitness Centers, and Spas	x	x	x
Raising Small Animals for Biological Purposes are prohibited			

Industrial and Other Uses (Continued)			
Raising Animals for Furs or Pets is prohibited			
Rehabilitation Centers	x	x	x
Riding Academies are prohibited			
Riding Stables are prohibited			
Sanitariums are prohibited			
Scientific and other Research Laboratories and Facilities	x	x	x
Schools and Kindergartens	x	x	x
Stockyards, Shipping, Holding and Sales, are prohibited			
Utilities, Regulated except Transmission Substations and Power Generation	x	x	x
Utilities, Unregulated except Facilities that create Air or Noise Pollution	x	x	x
Video, DVD Stores	x	x	x
Wireless Communication Devices, Sales and Service	x	x	x
Wireless Communications Towers or Transmission Facilities			x
*Inside show room only			
** No outdoor facilities are permitted in LB or LBH except adjacent to Ditch Road or Eagletown Road			
*** Shop work shall be limited to repairs of fixtures, allowing no shop noise or smells to escape			
**** Enclosed			
***** Windmills shall be behind front facades			

ARTICLE 12. PRINCIPALS AND STANDARDS OF DESIGN.

Section 12.1 General.

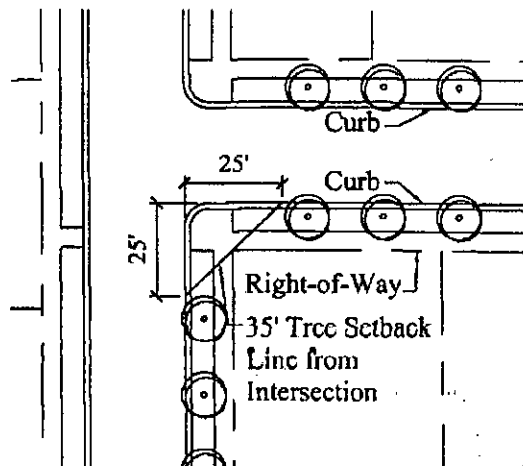
The subdivision plan shall conform to the principles and standards contained in this Article 12 or as may be further supplemented by "Construction Standards" adopted by the Westfield Town Council and administered by the Westfield Department of Public Works.

Section 12.2 Streets.

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created.
- B. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.
- C. Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- D. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.
- E. The maximum length of cul-de-sacs shall be six hundred (600) feet measured along the centerline from the intersection at origin to the center of the circle. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum right-of-way diameter of one hundred (100) feet for streets abutting single family residential districts, seventy (70) feet for alleys abutting single family residential districts, and one-hundred twenty (120) feet for streets abutting all other districts.
- F. Alleys shall be encouraged in residential districts and may be included in commercial and industrial areas where needed for loading, unloading, or access purposes.
- G. At intersections of streets the property line corners shall be rounded by arcs with radii of not less than five (5) feet, or by chords of such arcs.
- H. If the smaller angle of intersection of two (2) streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Westfield Department of Public Works.
- I. Intersections of more than four (4) streets at one point shall not be permitted.

- J. Where parkways or special types of streets are involved, details of the design will be supplied.
- K. When subdividing land, consideration shall be given to all natural features, such as existing stands of trees, streams and creeks, historic locations, or similar conditions which, if preserved, will add attractiveness and value to the community.
- L. A temporarily dead-ended street shall be permitted in any case in which a street is proposed to be and should logically be extended but is not yet constructed. An adequate easement for a turn-around shall be provided for any such temporary dead-end street which extends two-hundred (200) feet or more in length. Such easement shall be automatically vacated to abutting property owners when said dead-ended street is legally extended.
- M. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center line as follows:
1. Primary Arterials and Secondary Arterials 500 feet
 2. Collectors 300 feet
 3. Local Roads or Streets 150 feet
- N. Curvature measured along the center line shall have a minimum radius as follows:
1. Primary Arterials and Secondary Arterials 250 feet
 2. Collectors 200 feet
 3. Local Roads or Streets 100 feet
- O. Between reversed curves on primary arterials and secondary arterials there shall be a tangent of not less than one-hundred (100) feet; on collectors and local roads and streets such tangent shall be not less than forty (40) feet.
- P. Maximum grades for streets shall be as follows:
1. Primary arterials and secondary arterials; not greater than six percent (6%).
 2. Collectors and local roads and streets, not greater than ten percent (10%).
- Q. The minimum grade of any street gutter shall not be less than three-tenths percent (0.3%).

- R. No fence, wall, hedge, tree, or shrub planting which obstructs sight lines and elevations between three (3) and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the inside curb lines and a line connecting points:
1. Twenty-five (25) feet from intersections of Collectors or Local Roads or Street;
 2. Twenty (25) feet from intersections of Expressways, Primary Arterials, or Secondary Arterials; and
 3. Five (5) feet from intersections of driveways or alleys.



In the case of rounded property corners, the above distances shall be measured from the point at which the inside curb lines would intersect if they were not to have been rounded at the corner.

- S. No driveway shall be located within twenty-five (25) feet of the intersection of two (2) street lines.
- T. Minimum Right-of-Way Widths: Minimum right-of-way widths that are required to be dedicated to the Town of Westfield are established as follows:
1. Expressways: (vary)
 2. Boulevards: 75 feet
 3. Collectors: 60 feet

4. Local Roads and Streets: (vary)
 - a. Rights of way include tree lawns, where applicable, and sidewalks.
 - b. See Exhibit E for applications of varying street widths, including travel lanes and parking lanes with parallel, diagonal and head-in parking.
5. Alleys:
 - a. Total right of way - 20 feet
 - b. Hard surface - 16 feet
- U. At the intersection of any proposed Local Road or Street with an Expressway, Primary Arterial, Secondary Arterial, or Collector; acceleration lanes, deceleration lanes, passing blisters, or left turn lanes may be required.
- V. Permitted Encroachments of Street Rights of Way:
 1. Six (6) foot tree lawn in residential areas;
 2. Five (5) foot sidewalk parallel to street in residential areas including single family lots within the LBH District;
 3. Five (5) to six (6) foot clear sidewalk area in business areas;
 4. Two feet six inches (2'-6") to the center line of street trees in tree grates in LBH, LB, and GB Districts;
 5. Street lamps in all Districts;
 6. Collonnades as described in Article 5.2. in the LBH District;
 7. Decorative sidewalk trash containers and recycling bins, bicycle rings, parking meters, newspaper distribution boxes, planters, and sidewalk seating maintained by the Developer or an Association in the LBH, LB, and GB Districts;
 8. Vehicle access driveways to parking in all Districts;
 9. Pedestrian pathways to parking behind the building in business areas;
 10. Permitted utility easements in public rights of way are not considered encroachments;

11. Underdrains.

W. Encroachment of Alley Rights of Way:

1. Underdrains.

2. Vehicular access driveways to parking are permitted in all Districts.

Section 12.3 Blocks.

A. There shall be no minimum block length.

B. Blocks shall be of sufficient width to permit two (2) tiers of appropriate depth, except where an interior street parallels an expressway, primary arterial, or secondary arterial.

Section 12.4 Lots.

A. All lots shall abut a street.

B. Corner residential lots shall be of sufficient width to permit appropriate setbacks from both streets.

Section 12.5 Easements.

Easements for utilities shall be provided. Such easements shall have a minimum width of five (5) feet, and where located along lot lines, one-half (1/2) of the width shall be taken from each lot. Before determining the location of easements the plan shall be discussed with the local public utility companies to assure their proper placing and the installation of such services.

Section 12.6 Building Setback Lines.

Building setback lines are set out in Tables within Articles 3, 4, and 5 of this Ordinance.

Section 12.7 Open Space.

Exhibit D, the "Public Realm," illustrates the types and areas of open space and green space in Ackerson Farm PUD.

A. A public way, crosswalk, or easement shall be provided for access to the open space.

B. Open space, where applicable, shall include the proposed Midland Trail and the proposed peripheral trail, and other open space shall be placed adjacent to or connected to the proposed Midland Trail and the proposed peripheral trail by sidewalks, pedestrian walkways, jogging paths, bicycle trails or mixed use paths.

ARTICLE 13. STANDARDS OF IMPROVEMENT.

This Article 13 shall apply to all Districts in the Ackerson Farm PUD, and shall be subject to Article 10 of this Ordinance. In the event of any conflict between this Article 13 and Article 10, the terms and requirements of Article 10 will govern. The Detailed Development Plan, preliminary plats and any secondary plats of each area or section submitted for approval shall conform to the following standards of improvement:

Section 13.1 Monuments and Markers.

- A. Shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the finished grade.
- B. Monuments shall be set:
 - 1. At the intersection of lines forming angles in the boundary of the subdivision;
 - 2. At least two (2) monuments shall be set on each side of a straight section of street, such monuments shall be on lot corners near each end of the street.
 - 3. At least two (2) monuments shall be set on any straight line over four hundred (400) feet in length. Such monuments shall be on lot corners near each end of the line.
- C. Markers shall be set:
 - 1. At the beginning and ending of all curves along street property lines.
 - 2. At all points where lot lines intersect curves, either front or rear.
 - 3. At all angles in property lines of lots.
 - 4. At all other lot corners not established by a monument.
- D. Monuments shall be of stone, pre-cast concrete, or concrete poured in place with minimum dimensions of four inches by four inches by thirty inches, set vertically in place. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than 5/8 inch in diameter.

Section 13.2 Streets.

- A. Streets and alleys should be completed as shown on approved plans, profiles and cross-sections provided by the subdivider, and prepared by a qualified engineer or surveyor.
- B. Streets shall be graded, surfaced and improved to the dimensions required by the cross-sections and the work shall be performed in the manner prescribed in "Standard Specifications" of the Indiana Department of Transportation, or as approved by the Westfield Department of Public Works.
- C. Prior to placing street surfaces, adequate subsurface drainage for streets shall be provided by the Developer. Subsurface drainage pipe, when required, shall be as described by the current edition of INDOT standard specifications or as approved by the Westfield Department of Public Works. Upon completion of street improvements, plans and profiles as built shall be filed with the Plan Commission and the proper governing body of the Town of Westfield.
- D. All traffic control devices shall comply with guidelines and requirements of the current edition of the Indiana Manual on Uniform Traffic Control Devices.
- E. Before any bond covering a street installation is released, the Plan Commission, Town Council, or Building Commissioner may request that core borings (asphalt or concrete) of the street be provided to the Westfield Department of Public Works or its designated representative(s), at the subdivider's expense, for thickness determination.
- F. Prior to the acceptance of asphalt streets, the subdivider shall employ and pay for the services of an independent testing laboratory to take cores at selected locations and perform Marshall stability, flow and density test, and percent of compaction determination on completed asphalt work.
- G. Prior to acceptance of concrete street, the subdivider shall provide satisfactory test results from an independent testing laboratory to the Westfield Department of Public Works.
- H. A developer may request permission from the Plan Commission to delay the installation of the one (1) inch surface layer of asphalt until the binder layer of asphalt has had sufficient time to prove its durability under the stress of heavy construction traffic, but this delay shall not exceed one (1) year. The developer shall be required to submit a separate performance bond to cover the cost of the installation of the one (1) inch surface layer of asphalt.

Section 13.3 Sewers.

- A. The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with a sanitary sewer outlet approved by the Health Officer. The Developer shall be responsible for providing sewer extensions from any subdivision(s) located in SF 1, and SF 2 districts to a main sewer connection point as may be established by written agreement between the Developer and the Town Council or the designee of the Town Council.
- B. When an approved outlet is not available, one of the following methods of sewage disposal shall be used: A complete sanitary sewer system to convey the sewage to a treatment plant, to be provided by the Developer in accordance with minimum requirements of the environmental protection agency.
- C. The plans for the installation of a sanitary sewer system shall be provided by the Developer upon the completion of the sanitary sewer and water installations and streets, the plans for such systems as built shall be filed with the Westfield Department of Public Works.
- D. In sections 16.04.240 C - Sewers and 16.04.240 D of the Zoning Ordinance - Water, the phrase "The subdivider shall provide" shall be interpreted to mean that the Developer shall install the facility referred to.

Section 13.4 Water.

- A. Water Main Supply System: The Developer shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal or a community water supply system approved by the Health Officer.
- B. Fire Hydrants: The Developer shall provide the subdivision with fire hydrants. The types of hydrants and location of hydrants shall be determined by the Westfield - Washington Township Fire Department and approved by the Westfield Department of Public Works.

Section 13.5 Storm Drainage.

- A. The Developer shall provide the subdivision with an adequate storm water sewer system whenever curb and gutter is installed and whenever the evidence available to the Commission indicates that the natural surface drainage is inadequate. When the surface drainage is adequate, easements for such surface drainage shall be provided. When curb and gutter are not required for lots located on County, Town or State Highways, a shallow swale with its low point at least three inches below the elevation of the sub-grade of the pavement may be permitted; provided, that where existing natural drainage ways offer a suitable means of storm drainage, the street right of way may be widened to accommodate them, or they may be located in a parkway or easement.
- B. All ditches for drainage must be graded and seeded.

Section 13.6 Curbs and Gutters.

The Developer shall provide curbs and gutters on each side of the street surface in the proposed subdivision. This requirement does not apply to alleys.

Section 13.7 Sidewalks, Pedestrian Paths, Jogging Paths, and Bicycle Paths.

- A. The Plan Commission shall require sidewalks to be installed on each side of the street adjacent to housing and business, but a pedestrian path, jogging path and/or bicycle way may be installed around the neighborhood village green in place of a sidewalk.
- B. Where a proposed subdivision abuts an existing street right of way, the Plan Commission shall require the developer to construct sidewalks or pedestrian paths, jogging paths and/or bicycle ways parallel to the existing street.
- C. The Plan Commission may require developers to construct off-site sidewalks adjacent to the developers' project to respond to infrastructure demands created by said project.
- D. When a proposed subdivision lies between or adjacent to existing subdivisions which have been provided with sidewalks, the Plan Commission shall require connecting sidewalks (which are extensions of the existing sidewalks) to be constructed.
- E. If a sidewalk, pedestrian path, jogging path and/or bicycle way is to be installed, a plan shall be submitted to the Plan Commission with the Primary Plat and Secondary Plat drawings.
- F. Curb ramps for handicapped accessibility shall be provided at all intersections of streets, alleys, and drives.
- G. When a sidewalk, pedestrian path, jogging path, and/or bicycle way crosses a street intersection within or adjacent to a subdivision (where one of the streets is a primary arterial or a secondary arterial), necessary safety devices, such as painted crosswalks, signs, or other traffic control devices shall be installed at the developer's expense.
- H. When sidewalks, pedestrian paths, jogging paths, and/or bicycle ways are to be installed, they shall be constructed in accordance with the Hamilton County Alternative Transportation Plan or the Construction Standards for the Town of Westfield, whichever shall apply.

Section 13.8 Street Signs.

The Developer shall provide the subdivision with street signs which shall meet the standards of the Town of Westfield at the intersection of all streets. Such street signs shall be installed in all subdivision sections which have received Secondary Plat approval prior to the issuance of any Building Permits in such subdivision sections.

- A. Street Lights: The Developer shall provide to and maintain for the subdivision street lights, the type of which will be determined by the Westfield Department of Public Works, at street intersections, and at such other locations as the Westfield Department of Public Works direct.
- B. Landscaping: Suitable landscaping plan shall be developed for review and approval by the Westfield Department of Public Works including procedures to be utilized for maintaining the landscaped area (see Article 14 - Landscaping).
- C. Construction Standards: Construction standards for the following items may be found in "Town of Westfield Construction Standards," administered by the Westfield Department of Public Works:
 - 1. Paving and Surfacing;
 - 2. Erosion Control;
 - 3. Principles and Standards of Roadway Design;
 - 4. Minimum Standards of Improvement;
 - 5. Landscaping for Utilities;
 - 6. Monuments and Markers;
 - 7. Curbs and Gutters;
 - 8. Street Signs;
 - 9. Water Mains;
 - 10. Storm Sewers;

11. Gravity Sanitary Sewers;
12. Force Mains;
13. Submersible Lift Stations, and
14. Sidewalks.

ARTICLE 14. LANDSCAPING STANDARDS.

This Article 14 establishes standards for the preservation of natural features and for the provision, installation, and maintenance of landscape materials. The regulations specified herein are intended to promote the health, attractiveness, and safety of the community; foster aesthetically pleasing and environmentally sensitive development that protects and preserves the appearance and character of the community; and encourages the preservation of natural areas such as mature tree stands.

Section 14.1 General Landscaping Provisions.

This Article also establishes standards to manage and control drainage and erosion; to increase the compatibility of development with the natural environment and adjacent developments; to encourage connectivity through the use of a pedestrian network; and to maintain and increase the value of land by requiring landscaping to be incorporated into developments. The standards set forth herein promote important physical and psychological benefits through the use of landscaping to reduce noise and lighting; promote innovative and cost conscious approaches to the design, installation, and maintenance of landscaping; and establish procedures and standards for the administration and enforcement of this Article.

A. Applicability.

1. This Article 14 shall apply to all Districts in the Ackerson Farm PUD and all public, private, and institutional developments therein, except those approved prior to the enactment of this Article and those that have fulfilled filing requirements at the time of the enactment of this Article. This Article shall supersede the landscaping terms and requirements of Section 16 of the Zoning Ordinance; all other landscaping terms and standards in the Zoning Ordinance which are modified and replaced in their entirety by the deletions, additions, or modifications stated in this Article 14. Approval of this Ordinance shall establish adherence to developmental standards and conformity to the Master Plan and Zoning Ordinance.
2. This Article shall apply to nonresidential uses and residential developments that require site development plan approval or a special exception. Development plans shall be subject to the requirements of Article 10 of this Ordinance, except insofar as they may be subject to the requirements of Article 8 of this Ordinance. In the event of any inconsistency between the terms and standards stated in this Article 14 and the specific landscaping terms and standards of Residential District 1, Residential District 2, LBH District, LB District or GB District, the terms and standards of those Districts, respectively, shall apply. Approval of this Ordinance shall establish adherence to developmental standards and conformity to the Master Plan and Zoning Ordinance.

B. Content of Landscape Plan. Landscaping plans shall comply with the following standards:

1. Landscape plans shall be submitted for all required green belt buffer areas, buffer yards, conservation easements, landscape easements, and areas owned in common within proposed developments. Where practical, landscape plans will be prepared by licensed landscape architects, or other professionals experienced in landscape design, installation, and maintenance, and a narrative describing ownership, use, and maintenance responsibilities of these areas will be specified in the submittal.
2. Landscape plans shall show the entire project drawn to scale on standard sized sheets (minimum 24" x 36") and shall contain the following information:
 - a. Standard size sheets at the same scale as landscape plans that display locations, sizes, and common names of existing individual trees that measure twelve (12) inches or more in caliper, areas of dense trees or shrubs, and other natural areas;
 - b. Names and addresses of owners, developers, plan preparers, plan preparation dates, scale of drawings, and north arrows;
 - c. Locations and dimensions of all existing and proposed structures, parking lots, driveways, roadways, rights of way, sidewalks, pedestrian pathways, bicycle pathways, ground signs, refuse disposal areas, bicycle parking areas, freestanding electrical equipment, recreation facilities, utility lines, easements, freestanding structural features, landscape improvements, earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, courts, paved areas, buffer yards, primary and secondary green space areas, and green belt space;
 - d. Locations, quantities, sizes, and names (botanical names and common names) of planting materials;
 - e. Existing and proposed grading plans, indicating contours at not more than two-foot intervals;
 - f. Locations of barriers to be placed at or beyond driplines of trees to be preserved and types of materials to be used for barriers;
 - g. Planting and installation details as necessary to ensure conformance with required standards;

- h. Details indicating specific grading measures or protective devices to be utilized where trees are to be preserved in areas of cut and fill; and
 - i. Tables clearly displaying relevant statistical information, including numbers of existing trees and numbers of trees preserved, for example.
- D. Modifications. When a change in use occurs, or when modifications that require a building permit are made to existing structures, landscaping shall be required to be installed in a manner that is comparable in nature and extent to the impact of the proposed change or modification.

Section 14.2 Preservation and Replacement of Trees.

- A. Structure Design and Location. Reasonable measures will be taken to design and locate proposed structures in a manner that minimizes the destruction of significant tree specimens.
- B. Inventory. Prior to site development plan approval or the issuance of a building permit, an inventory shall be made of all trees with a caliper measure of at least twelve (12) inches. Tree inventories shall depict locations, sizes, and common names of existing trees and individual shrubs; areas containing dense trees or shrubs; and other natural site features. Existing trees that are to be preserved shall be credited toward required landscaping requirements based on the sizes of such preserved trees.
- C. Tree Preservation. The following considerations shall be made in regard to tree preservation efforts:
 - 1. The practicability of arranging site plan components around existing features. Plans for groups of structures should be designed so as to preserve areas of high tree concentrations, desirable individual tree specimens, and desirable stands of trees and shrubs;
 - 2. The condition of vegetation with respect to continued vitality;
 - 3. The possibility of preserving vegetation through pruning rather than removal;
 - 4. The desirability of a particular tree or species by reason of its appearance, historic or ecological significance, botanical characteristics, and the function the vegetation would fulfill as a site plan component;
 - 5. The practical and economic possibility of designing the location and grades of proposed structures and paving to preserve existing vegetation; and

6. The potential for interference with utility services along the use of roads and walkways.
- D. Tree Preservation Plans. Tree preservation plans shall be submitted with site plans that detail locations, sizes, and common names of preserved trees; individual shrubs; areas of dense tree or shrub concentrations, and other natural features which are to be preserved or removed. No disturbance shall be permitted in the critical root zones of preserved trees. Disturbances include trenching, backfilling, driving or parking equipment, and dumping trash, oil, paint, or other materials detrimental to plant health.
- E. Dead Tree Replacement. Should any tree designated for preservation die within five (5) years of project completion, the owner shall replace such tree with a tree (or trees) of equal tree preservation value within one hundred eighty (180) days (see following paragraph for value calculation).
- F. Incentives to Preserve Trees. Existing trees that are preserved shall contribute to required on-site landscaping, based proportionally on their caliper measure. Certain "cull" species and deformed trees may not be permitted to be credited. Preserved trees under eight (8) inches in caliper shall be credited at the rate of one (1) times the caliper measure of such trees. However, trees with a caliper of less than two (2) inches shall not qualify for credit. Preserved trees between eight (8) and sixteen (16) inches in caliper shall be credited at the rate of two (2) times the caliper measure of such trees. If preserved trees possess caliper measures of sixteen (16) inches or greater, credit shall be calculated at the rate of four (4) times the caliper measure of such trees. A qualifying six (6) inch caliper preserved tree shall be credited as three (3) required two (2) inch caliper trees. A qualifying fourteen (14) inch caliper preserved tree shall be credited as twenty-eight (28) required two (2) inch caliper trees. A qualifying eighteen (18) inch caliper preserved tree shall be credited as thirty-six (36) required two (2) inch caliper trees.
- G. Barriers. Barriers shall be used to protect trees during site development. Barriers shall be specified on landscape plans and shall be placed at or beyond the driplines of trees to be preserved. Such barriers shall remain in place during site construction. No vehicles, machinery, tools, chemicals, construction materials, or temporary soil deposits shall be permitted within such barriers. No notices or other objects shall be nailed or stapled to preserved trees.
- H. Grading. Grading measures or protective devices, such as tree wells, tree walls, or specialized fill and pavement designs, shall be installed when necessary to preserve identified tree specimens.

Section 14.3 Selection, Installation, and Maintenance of Plant Materials.

A. Selection.

1. Shade trees shall be a minimum of eight (8) feet in height and have a caliper measure of at least two (2) inches, measured twelve (12) inches above finished grade. Shade trees shall be of a variety that will attain an average mature spread greater than twenty (20) feet.
2. Evergreen trees shall be a minimum height of six (6) feet.
3. Ornamental trees shall have a minimum trunk size of two (2) inches in caliper, measured six (6) inches above finished grade.
4. Shrubs shall possess a minimum height of eighteen (18) inches at the time of planting.
5. Substitutions. If plant substitutions become necessary due to seasonal planting problems or a lack of plant availability, revisions to planting plans shall be permitted based on the substitution list below. For on-site requirements only, substitutions may be made for up to fifty percent (50%) of required plants. If plant substitutions do not fulfill the following criteria, changes to previously-approved plans shall be resubmitted and reviewed for new approval.
 - a. 1 shade tree = 2 ornamental trees = 2 evergreen trees
 - b. 1 ornamental tree = 1 evergreen tree

B. Installation.

1. Landscaping materials shall be installed in accordance with planting procedures established by the American Nursery & Landscape Association.
2. Required landscaping of development projects shall be completed prior to the issuance of Certificates of Occupancy for non-residential and multi-family projects, and prior to the issuance of building permits for more than fifty percent (50%) of the lots within each section of residential subdivisions. Landscaping installation may be delayed up to one hundred twenty (120) days due to the following:

- a. Periods of adverse weather;
- b. Conflicts between construction scheduling and proper planting conditions.

C. Maintenance.

1. All newly planted vegetative material shall meet minimum American Standard for Nursery Stock Standards.
2. Landscaping shall be maintained in healthy growing condition, including:
 - a. Regular irrigation, weeding, fertilizing, pruning, mowing, and other maintenance of outside plant materials on the property;
 - b. Mature trees shall not be topped. They shall be pruned according to procedures established in the National Arborist Association Standards, published by the National Arborist Association;
 - c. Treating plant materials that exhibit evidence of insect pest or disease damage;
 - d. Replacement of dead or dying plant materials with specimens in good, healthy, growing condition. Replacement shall be completed using the same plant materials approved on landscape plans.
 - e. Replenishing natural landscape materials such as rock, stone, bark chips and shavings that no longer cover the area in which they were originally deposited.
 - f. Repairing, replacing, or maintaining structural landscaping features including, but not limited to fountains, reflecting pools, outdoor art work, screening walls, retaining walls, fences, benches or other street furniture elements, as necessary to maintain these items in good condition.
 - g. Any other action necessary to maintain landscaping installed in accordance with an approved landscape plan.
3. Plantings and landscaping features required by this Article shall be subject to inspection to verify continued compliance with this Article.

Section 14.4 General Landscape Design Standards.

- A. Consultation. A landscape architect, nursery professional, or other professional experienced in the installation and care of plant materials shall be consulted to ensure that proposed plants are appropriate and will survive.
- B. Scale and Nature of Landscaping. The scale and nature of landscaping materials shall be appropriate to the size of proposed structures. Large-scale buildings should be complemented by larger-scale plants. Form, texture, color, pattern of growth, and adaptability to local conditions shall be considered when selecting plant materials.
- C. Clearance. Trees shall be planted so that when they reach maturity. There will be a minimum of ten (10) feet of clearance between tree trunks and structures, building overhangs, walls, fences, and other trees.
- D. Materials. Grass and other vegetative ground cover shall be used in all green space areas, including parking lot islands, except for decorative mulch planting beds containing trees and/or shrubs; and inert stabilization in areas subject to severe runoff or erosion.
- E. Lines of Sight. Plantings in landscaped areas shall not obstruct sight lines.
 - 1. No fence, wall, hedge or shrub planting that obstructs sight lines and elevations between three (3) and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the right of way lines and a line connecting points ten (10) feet from intersections of driveways or alley, or forty (40) feet from intersections of collector or local roads or streets, or seventy-five (75) feet from intersections of State Road 32 with Ditch Road or with Eagletown Road.
 - 2. In case of rounded corners, the distances stated in subparagraph 1 above shall be measured from the point at which the right-of-way lines would intersect if they were not to have been rounded at the corner.
- F. Energy Conservation. Plantings shall be arranged to promote energy conservation wherever practical. This includes using deciduous trees on the south and west sides of buildings to provide shade from summer sun and planting evergreens on the north of buildings to insulate against winter winds.
- G. Noise Reduction. Properties adjacent to highly trafficked roads or businesses shall arrange landscaping to reduce the intensity of noise by reflecting, deflecting, or absorbing sound. Some techniques to accomplish this include using earth berms, walls, fences, or plantings to provide physical separation and to absorb noise. When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or

wall, it shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover.

- H. Stone Ground Cover. Landscape plans shall clearly identify areas where stone or other inert materials are to be used as ground cover. Areas not so designated shall be required to have grass or other vegetative ground cover.
- I. Trash and Loading Facilities. Trash dumpsters, trash pads, loading areas consisting of two (2) or more loading spaces, loading docks, service areas, and maintenance areas shall be screened from residential uses and public roads. Screening of such facilities shall satisfy the standards stated in this Ordinance for application in each District of Ackerson Farm PUD.
- J. Heating and Cooling Facilities. Ground-mounted heating and cooling units for non-residential or multi-family structures shall be completely screened.
- K. Softening of Walls and Fences. Plant materials other than ground cover shall be placed intermittently (approximately every forty (40) feet, on average) against long expanses (over eighty (80) feet) of building walls, fences, and other barriers to create a softening effect. Ground cover plants may supplement the plant materials required by this paragraph.
- L. Detention/Retention Basins and Ponds. Detention/retention basins and ponds shall be landscaped in a manner that replicates the natural form of ponds. Such landscaping shall include shade trees, ornamental trees, evergreens, shrubbery, hedges, and/or other plant materials.

Section 14.5 On-Site and Street Frontage Landscaping Requirements.

- A. On-Site Standards.
 - 1. Yards, setback areas, and open space areas shall be landscaped with live vegetation.
 - 2. The minimum numbers of shade trees, evergreen trees, ornamental trees, and shrubs required to be planted are set forth in Section 14.4 of Article 14 of this Ordinance.
 - 3. Minimum on-site requirements:
 - a. Minimum on-site requirements are set out in the following Table 14.5.

- b. A proportional decrease in the required number of trees is permitted if larger caliper trees are planted. Trees with caliper measures of four (4) inches may replace two (2) required two (2) inch caliper trees.

Table 14.5

Land Use Type	Plant Materials		
	Shade Trees	Ornamental or Evergreen Trees	Shrubs
Single-Family Residential	4 per dwelling unit in Residential 1. 1 tree per lot in Residential 2 under 45 feet, 2 trees per lot in Residential 2, 55 feet and over.	4 per dwelling unit in Residential 1. 1 tree per lot in Residential 2 under 45 feet, 2 trees per lot in Residential 2, 55 feet and over.	4 per dwelling unit (3 gallon containers minimum)
Multi-Family in LBH, LB, and GB	1 per dwelling unit	1 per dwelling unit	4 per dwelling unit
Institutional Uses	2 per acre	3 per acre	10 per acre
Business Uses	10 per acre	10 per acre	25 per acre
Industrial Uses	5 per acre	5 per acre	25 per acre

4. For Institutional uses (including, without limitation, schools, churches and government offices) the following apply:
- Trees required to be planted in interior parking lot landscaping areas may be counted toward meeting on-site landscaping requirements as set forth in the table above.
 - Identified acreage for constructed athletic fields and courts (including the adjacent perimeter for coaching and spectator viewing), and constructed playgrounds with equipment may be subtracted from the total acreage before computing on-site requirements.
5. Trees should be grouped together whenever possible to simulate natural tree stands, versus trees being planted in straight rows, except in the case of street trees, which may be aligned in a row parallel to the street.

6. Required trees and plantings within residential land uses must be planted somewhere within such residential land uses. Required trees and plantings within such land uses are not intended to be requirements per each lot, but are intended to be aggregate requirements per residential section or per multi-family building. Street trees adjacent to lots will count toward the number required.
7. Required trees and plantings within non-residential land uses shall be planted per each lot requirement. Lots with no yards have no required plantings, the aesthetic and environmental objectives being addressed by street trees, open spaces and landscaped parking lot islands.
8. Existing trees or woodlands that are preserved may be counted toward minimum planting requirements.

Section 14.6 Additional Standards for Residential and Business Districts.

- A. Motor court screening is required in all yards of Residential District 1 and Residential District 2.
- B. Street trees shall be planted fifty (50) feet on center, on average, in multi-family areas of the LBH District, the LB District, and the GB District. Trees may be clustered or grouped on the same block or on other blocks or streets to meet the average requirement, and the tree placement requirement shall not apply if tree placement would interfere with necessary utilities or structures.
- C. In Residential Districts, where property abuts State Road 32, Ditch Road, Eagletown Road or 166th Street, at least one shade tree per thirty (30) linear feet of road frontage shall be planted adjacent to road rights of way. Trees planted along road frontage in residential developments shall be credited toward overall on-site landscaping requirements.
- D. In Business Districts where property abuts State Road 32, Ditch Road or Eagletown Road, at least one shade tree per fifty (50) linear feet of road frontage shall be planted adjacent to road rights of way. Trees planted along road frontage in Business Districts shall be credited toward overall on-site landscaping requirements.
- E. Shade trees required to be planted along road frontage shall be located in a manner that mitigates interference with infrastructure within utility easements and may be clustered or grouped in order to attain creative site design.

- F. When evergreen and/or ornamental trees are preserved along road frontage and qualify for preservation credit, they may count 1:1 toward road frontage requirements.
- G. Buffer yards are not required internal to or around the perimeter of the Ackerson Farm PUD.

Section 14.7 Parking Area Landscaping.

The following landscape requirements shall be applied to parking lots to screen parking areas from streets, to prevent the creation of large expanses of paving, and to provide shade to paved areas.

- A. General Parking Lot Landscaping. Area Required. A portion of vehicular use areas shall be maintained as landscaped area. The total amount of interior parking lot area that must be landscaped shall be based on the total number of proposed parking spaces. Such standards are set forth in Table 14.7.A.

Table 14.7.A

Number of Parking Spaces	Percentage of Vehicular Use Area to Be Landscaped
0 to 4	0 %
5 to 24	5 %
25 to 49	7.5 %
50 or more	10 %

- 1. **Parking Lot Islands.**
 - a. Parking lot islands shall be located at the perimeter of parking lots to screen the lot from the street and to act as a buffer between the road and the lot.
 - b. Additional parking lot islands may be located within the interior of the parking lot to contribute to pedestrian movement and aesthetics.
 - c. Parking lot islands shall be constructed at least six (6) inches above the surface of parking lots; there shall be no minimum area or required width.

- d. Interior landscaped areas shall be curbed in a manner that restricts vehicles from driving over landscaped areas.
 - e. Interior landscaped areas shall limit unbroken rows of parking spaces to a maximum of two hundred (200) feet in length. See diagram below. If more than eighty-eight (88) parking spaces are required, a five (5) foot wide pedestrian way shall be added within required landscaping as shown in B.2.b and c below.
 - f. Parking lot islands shall include at least one (1) tree and four (4) shrubs per parking lot island. One hundred percent (100%) of every parking island shall be covered with permitted groundcover material to achieve complete coverage.
 - g. No landscaping within parking lot islands may unreasonably obstruct visibility for vehicles entering, maneuvering in, or exiting parking areas. Such landscaping shall be constructed in compliance with visibility standards set forth in Section 14.4 of Article 14 of this Ordinance.
2. The above parking requirements shall apply only to lots containing more than fifty (50) parking spaces.

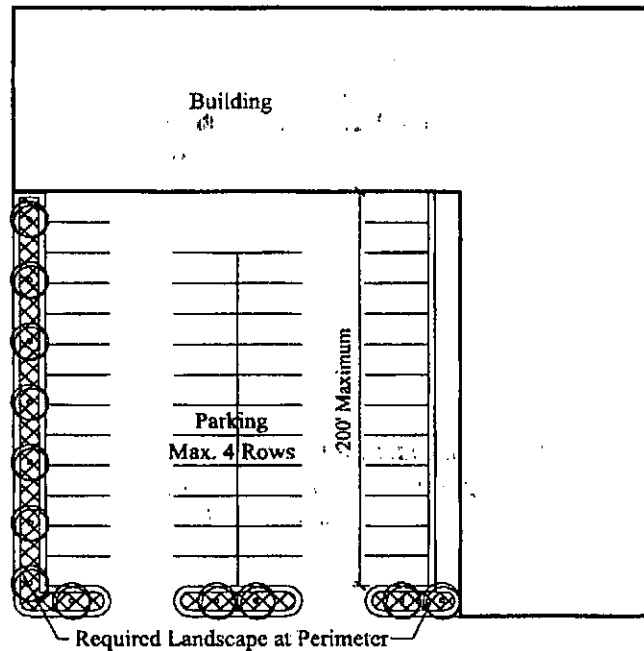
B. Perimeter Parking Lot Landscaping.

- 1. Application.
 - a. Perimeter parking lot landscape areas shall be at least five (5) feet wide and shall extend along the perimeter of parking lots. Plantings should be grouped.
 - b. Trees required to be planted in perimeter parking lot landscape areas may be counted toward meeting total on-site landscaping requirements as set forth in Table 14.5.
- 2. Requirements. Perimeter parking lot landscape areas on lots containing more than fifty (50) parking spaces shall include the following landscape improvements:
 - a. There shall be one (1) tree per thirty (30) linear feet of parking lot length. Trees may be clustered.
 - b. There shall be one (1) shrub per three (3) feet of parking lot length. Shrubs may be clustered.

- c. Perimeter parking lot landscape areas not planted with trees or shrubs shall be covered with grass or other permitted groundcover or mulch.

Illustration 14.7

PERIMETER PARKING LOT LANDSCAPING EXAMPLE



Section 14.8 Recommended Plant Materials.

- A. List of Recommended Plant Materials. Table 16.06.080-01 of the Zoning Ordinance, Table of Recommended Plant Materials, lists plant materials recommended for use in fulfilling landscaping requirements.
- B. List of Recommended Plant Uses. Table 16.06.080-02 of the Zoning Ordinance, Plant Use Table, suggests appropriate uses for each species of tree, shrub, ground cover, and vine.
- C. Diversity. A minimum of three (3) different species of shade trees shall be used per each development site.

Section 14.9 State Road 32 Landscaping.

Adopted and incorporated in this Ordinance is the purpose of the State Highway Landscape Ordinance Overlay Zone to promote the public health, safety, comfort, and general welfare by providing for consistent and coordinated landscaping of the bordering State Road 32. Said purpose is accomplished in this Ordinance by the terms, standards, tables and illustrations set out in this Article 14 and in other Articles and Exhibits of this Ordinance to the extent that they apply to the LBH, LB and GB Districts within two hundred (200) feet of the present State Road 32 right of way.

A. Application:

1. This Section 14.9 applies to all land uses that lie within an area within two hundred (200) feet of the current right of way of State Road 32.
2. In the event of any conflict between the landscape standards of this Section 14.9 and the landscape terms, standards and illustrations set out in Article 12, other sections of this Article 14 and elsewhere in this Ordinance to apply within the LBH District, the LB District and the GB District, the terms and standards of those respective Articles and Sections of this Ordinance shall apply and shall supersede the term and standards of this Section 14.9.
3. Applications, such as mounding and clustered planting, within two hundred (200) feet of the present State Road 32 right of way, which are permitted in the State Highway Landscape Ordinance Overlay Zone, but which are not expressly permitted in this Ordinance, are prohibited.
4. Trees and shrubs planted under this section shall be counted toward the total on-site landscaping requirements as set forth in Table 14.5.

B. Tree Placement.

1. Trees will be placed outside a reasonable buffer from the present right of way of State Road 32.
2. The remainder of the tree lawn shall be landscaped with ornamental trees, shrubs, flowers and grasses.
3. A minimum thirty-six (36) inch masonry wall or continuous hedge row shall be placed inside the tree line.
4. Placement of landscaping shall be made so as not to interfere with drainage or utilities.

5. Street tree selections shall be subject to approval of the Director, under delagation of authority from the Plan Commission which delegation is hereby acknowledged and adopted.

Section 14.10 Conflict.

In the event of a conflict between the landscaping standards of this Article 14 and the separate landscaping standards for Residential District 1, Residential District 2, LBH District, LB District, and GB District, the terms and standards of those Districts, respectively, shall control.

ARTICLE 15. LIGHTING STANDARDS—OUTDOOR LIGHTING STANDARDS

Section 15.1.

- A. Purpose and Intent. The purpose of this Article 15 is to enhance the visual environment of the nighttime sky; protect the public health, safety and welfare; provide safe roadway conditions for motorists, cyclists, and pedestrians, and promote energy efficient, cost-effective lighting while minimizing light pollution, intrusion and trespass from uncontrolled light sources. It is the intent of this Article to minimize the intrusion of lighting across property lines and into the nighttime sky, thereby avoiding a disruption to the quality of life for the residents of Ackerson Farm and adjoining homes.
- B. Applicability. The terms and restrictions of this Article shall supersede lighting terms and standards in the Zoning Ordinance. These regulations shall be applicable to all outdoor lighting sources within the Ackerson Farm PUD which:
1. Are newly designed, constructed, erected or placed into operation after the effective date of this PUD; and
 2. Require the relocation or replacement of existing lighting fixtures commenced after the effective date of this chapter.
- C. Exceptions. Exceptions to these lighting standards shall include the following:
1. All outdoor light fixtures permitted prior to the adoption of this Ordinance;
 2. All hazard warning lighting required by Federal and State regulatory agencies shall be exempt from the requirements of this chapter;
 3. All temporary emergency lighting required by local law enforcement, emergency service and utility companies, shall be exempt from the requirements of this chapter;
 4. All traffic control and directional lighting shall be exempt from the requirements of this chapter;
 5. All underwater lighting used for the illumination of swimming pools and water features shall be exempt from the lamp type and shielding standards of this chapter;
 6. All lighting for temporary festivals and special events shall be exempt from the requirements of this chapter; and.

7. All low wattage residential accent and landscape lighting fixtures having a maximum output of sixteen hundred (1600) lumens (equal to one (1) one hundred (100) watt incandescent light) per fixture shall be exempt from the requirements of this chapter.

D. Prohibitions. Prohibitions to the lighting standards of these regulations shall include the following:

1. The installation, sale, lease, or purchase of any mercury vapor lamp is prohibited;
2. The use of laser source light or other similar high intensity light for outdoor advertising, when projected above the horizontal plane is prohibited;
3. The operation of searchlights and floodlights for advertising purposes is prohibited;
4. The use of any lighting source on towers shall be prohibited except as required by the Federal Aviation Administration; and
5. The illumination of off-site advertising signs is prohibited.

E. General Lighting Standards. For all outdoor areas located in Ackerson Farm PUD the following standards shall apply:

1. All light fixtures shall be fully shielded and direct light downward toward the earth's surface; except that light may be directed to illuminate the facades of the Neighborhood Center and the facades of non-residential buildings in the Village Center, so long as all light output is directed at the façade of the building.
2. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights of way;
3. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights of way;
4. Light pole height shall not exceed twenty-five (25) feet. All parking area light fixtures shall be designed and located to confine emitted light to the parking area; and
5. All lighting fixtures must meet building code requirements for their appropriate construction class.

F. LBH, LB, and GB Outdoor Lighting Standards. For all multi-family residential, commercial, and industrial uses, the following standards shall apply:

1. All light fixtures shall be positioned in such a manner so that no light-emitting surface is visible from a residential area or public right of way when viewed at ground level;
2. Light meter readings shall not exceed: one-half ($\frac{1}{2}$) foot-candles at a single-family residential property line, or one-half a ($\frac{1}{2}$) foot-candle at a multi-family residential property line or one (1) foot-candle at all other non-residential property lines. (It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.)
3. All lights on poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser;
4. All canopy structures shall have lights with diffusers which are recessed, and which do not extend below the surface of the canopy as measured on a plane parallel to the earth's surface;
5. Lighting under awnings and canopies shall only illuminate a building front, a sign under an awning or canopy, or the sidewalk, but shall not illuminate the awning or canopy itself;
6. Thirty (30) percent of all parking area lighting shall be turned off within thirty (30) minutes of closing of the last business or no later than 11:00 p.m.;
7. No outdoor sports or recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.

G. Sign Lighting.

1. Lighting fixtures used to illuminate outdoor advertising signs shall be mounted on top of or above the sign structure and shall comply with the shielding requirements of this chapter;
2. Lighting fixtures used to illuminate ground mounted or monument signs may be illuminated with a ground mounted or bottom mounted lighting fixture, provided that the fixture is fully shielded and all light output is directed onto the sign surface.

3. No sign lighting shall pulse, rotate, blink, flash or simulate motion, except a display containing only the date, time and temperature, and further except in the Village Center.
4. Lamps utilized for the internal illumination of wall signs shall be turned off at 11:00 p.m. or when business closes.

H. Lighting Plans. The applicant for any permit required by Westfield - Washington Township that proposes outdoor lighting shall submit a lighting plan set which includes:

1. A site plan indicating the location of all lighting structures, supports and fixtures, including those fixtures which presently exist on site and those which are proposed for the site;
2. A graphic and/or textual description of all lighting fixtures, both proposed and existing on-site. The description may include, but is not limited to cut sheets and illustrations by the manufacturer, lamp types, wattages, and lumen outputs;
3. A site plan with illuminance levels superimposed on the site plan in the form of an iso foot-candle diagram or point-by-point grid diagram.
4. All plot lighting levels shall be depicted at 10-foot intervals or less.
5. The iso foot-candle diagram shall plot foot-candle increments of one-half ($\frac{1}{2}$) footcandle or less;
6. Photometric data depicting the angle of cut off of light emissions; and
7. Any other information that the Planning Director determines necessary to ensure compliance with the provisions of this chapter.

ARTICLE 16. SIGN STANDARDS - GENERAL PROVISIONS

Section 16.1 Purpose and Intent.

This Article 16 is intended to establish regulations for the design, placement, and maintenance of signs which provide a reasonable and impartial means to permit communication, protect the public health, safety, and general welfare, minimize hazards to pedestrians and motorists along thoroughfares and at intersections, enhance the aesthetic environment, safeguard property values, minimize possible adverse effects of signs on nearby property, protect public and private investment in buildings and open spaces, and implement relevant provisions of the comprehensive plan. This Article seeks to balance the rights of businesses to identify themselves with the rights of the public to have uncluttered, safe and attractive public rights of way. The responsible regulation of signs will foster business opportunities and improve the quality of life in Westfield-Washington Township.

Section 16.2 Applicability.

This Article 16 shall apply to all signs within the Ackerson Farm PUD, which (i) are newly constructed, erected, or placed into operation after the effective date of this chapter; or (ii) involve relocation or replacement of existing sign structures or supports commenced after the effective date of this chapter. Development plans shall be subject to the requirements of Article 10 of this Ordinance, except insofar as they may be subject to the requirements of Article 8 of this Ordinance. In the event of any inconsistency between the terms and standards stated in this Article 16 and the terms and standards of the LBH, LB or GB District, the terms and standards of the LBH, LB and GB Districts, respectively, shall apply. Approval of this Ordinance shall establish adherence to developmental standards and conformity to the Master Plan and Zoning Ordinance.

Section 16.3 Exceptions.

All signs require a sign permit from the Community Development Department. Exceptions to the sign standards and permit requirements under this chapter shall include:

- A. All regulatory, informational, identification, or directional signs required by law or government entity;
- B. Temporary signs advertising annual events put on by an Association or by public entities or school districts and other temporary or special events described in Section 16.13 of this Ordinance;
- C. Scoreboards for public and private recreational facilities and institutions that do not provide for commercial or business advertising displays;
- D. Permanent drive-thru menu boards where drive-thru uses are permitted;
- E. Window signage placed in the building interior, or flush with window surface, not covering more than fifty percent (50%) of the window upon which it is placed;

- F. Postal signs, historic site markers or plaques, flags of government or noncommercial institutions, and address numbers;
- G. Structures and/or containers intended for separate use such as phone booths, waste management containers, and point-of-purchase advertising displays;
- H. Lettering or symbols placed directly onto a licensed and operable motor vehicle or trailer operating in the normal course of business provided that a vehicle or trailer is not parked or positioned solely for advertising purposes;
- I. Private informational signs such as "no trespass," "no trespassing," "private," "sale," etc., which do not exceed four (4) square feet in surface area;
- J. Signs offering residential property for sale, lease, or rent, provided that such signs shall not exceed twenty (20) square feet per face, are placed wholly on the subject property and are limited to a maximum of one (1) sign per street frontage;
- K. Signs offering commercial or industrial property for sale, lease, or rent, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, and are limited to a maximum of one (1) sign per street frontage;
- L. Signs advertising construction projects, provided that such signs shall not exceed sixty-four (64) square feet per face, are placed wholly on the subject property, do not exceed ten (10) feet in height, are limited to a maximum of one (1) sign per street frontage, and shall be removed at the end of construction;
- M. Political signs which do not impair lines of sight for vehicles or pedestrians;
- N. Seasonal decorations within the appropriate holiday season or civic festival season;
- O. Signs attached to light poles identifying parking areas as long as they do not exceed three (3) square feet in surface area.

Section 16.4 Prohibitions.

Prohibitions to these sign standards shall include the following:

- A. No signs or sign structure shall be similar in coloring, shape, function or location nor resemble, conflict with or be confused with any approved traffic-control sign or device;
- B. No sign shall create a safety hazard for vehicles or pedestrians as determined by the Town Engineer;

- C. No sign shall be placed in any public right of way except publicly owned traffic-control and transit signs, informational, identification, and directional signs;
- D. No pole signs shall be permitted;
- E. No off-premise signs shall be permitted except as provided in this Ordinance;
- F. No display of temporary signs such as banners, flags, posters, pennants, ribbons, streamers, spinners, strings of lights, balloons or inflatable signs shall be permitted except as permitted in Section 16.13 of this Ordinance;
- G. No sign shall project into the public right of way, except that a business sign mounted on a building may be permitted to project eighteen (18) inches from the face of a building elevation. Relief from this standard may be granted by the Town Council or designee;
- H. No sign shall be mounted on a roof or extend above an eave or parapet of a building wall;
- I. Any sign in the Village Center shall be permitted to revolve, flash, blink, swing or appear to move if other elements of the sign are permitted by the standards of this Article or other signage standards in this Ordinance, and if approved by the Architectural Review Committee;
- J. No sign shall be affixed to trees, fence posts, or utility poles; and
- K. No sign shall be placed on a personal or commercial vehicle or trailer which is then parked or positioned for the primary purpose of displaying said sign.

Section 16.5 General Sign Regulations.

All signs shall conform to the following regulations:

- A. Signs must be kept clean, painted, in working operation and free of hazards, such as but not limited to, faulty wiring and loose fastenings, and must be maintained at all times in a safe condition so as not to be detrimental to the public health, safety or general welfare;
- B. Abandoned sign copy shall be removed by the owner or lessee of a site upon which the sign is located within three (3) months after the business or service advertised by the sign ceases operations;
- C. Sign foundations and structures with copy removed may remain upon a site for twenty-four (24) months with the property owner's written consent, provided that the foundations and structure are maintained pursuant to this Article 16.

- D. All monument signs shall be designed and located to maintain clear lines of sight along public rights of way;
- E. Maximum sign height shall be measured from the natural grade elevation upon which the sign is placed or crown height of the adjacent roadway, whichever is higher;
- F. Illumination of signs shall be regulated per Article 15 of this Ordinance; in the event of a conflict between this Article 16 and Article 15, this Article 16 shall govern.
- G. Illuminated signs shall be set back a minimum distance of twenty-five (25) feet from any residential district;
- H. In no instance shall a permitted nonresidential use or tenant be restricted to less than twenty-five (25) square feet of sign area, nor shall any permitted nonresidential or tenant use be permitted to display more than five hundred (500) square feet of sign area;
- I. Sign area shall be computed as the smallest continuous figure that circumscribes a single sign display including writing, representations, emblems, logos or other displays, exclusive of the supporting framework, base, or structural bracing clearly incidental to the sign display;
- J. In no instance shall wall sign square footage exceed the linear footage of the wall on which it is placed;
- K. Changeable copy signage shall be allowed only when incorporated into a permanent sign structure as allowed by this ordinance;
- L. For signage with changeable copy area, the entire changeable copy area shall be counted toward sign display area square footage, regardless of the amount of information placed upon the changeable copy area;
- M. Identification with the Town of Westfield. Title signs may include, as an integral part of the sign design, the words "of Westfield" following any designation of an industrial park, office park, apartment development, subdivision development or shopping center name and alike. The size of the words "of Westfield" may be a minimum of fifty percent (50%) of the size of the development's name on the sign, and shall not be counted toward square footage allowed or cost. If the word "Westfield" is already part of the development's name on the sign, there shall be no requirement for the location of the words "of Westfield" on the sign. Further, where "of Westfield" is required on a sign, the design and material used to include this wording shall be the same as the other lettering on the sign.

Section 16.6 Residential District Signs.

No sign shall be erected in a residential district except for the following:

- A. Residential complexes and subdivisions shall be permitted either of the following entrance signage options:
 - 1. One (1) monument sign per residential complex or subdivision entrance, which shall not exceed nine (9) feet in height, and shall not exceed thirty-two (32) square feet per sign face; or
 - 2. Two (2) separate sign display areas per entrance, provided that the sign display areas are directly incorporated into an entrance landscape feature, wall, or other decorative feature. In no instance shall the sign display area exceed fifteen (15) feet in height or total more than one hundred (100) square feet of sign area.
- B. Home occupations shall be permitted one (1) sign per residence which shall not exceed four (4) square feet in total sign area;
- C. Home occupation signs shall only be affixed to a wall or door of the structure containing the business, and
- D. Signs for permitted non-residential uses located in residential districts shall be permitted under the conditions and standards stated in Articles 3, 4 and 5 of this Ordinance and subject to the requirements of this Article 16.

Section 16.7 Individual Nonresidential Signs.

All individual nonresidential uses shall be permitted signage as detailed below:

- A. Sign Area Allocation:
 - 1. For all permitted individual nonresidential uses, total sign area allocation permitted shall be one and one-quarter (1¼) square foot of sign area for (a) each one (1) linear foot of building fronting on a public right of way, and (b) each one (1) linear foot of building on any one (1) side not fronting on a public right of way.
 - 2. The total permitted sign area allocation may be divided between monument, wall, awning, and projecting signs.

B. Monument Sign(s):

1. Four (4) monument signs which shall be no greater than twenty-five (25) feet in height and with no more than two hundred and fifty (250) square feet of sign area per face, shall be permitted along State Road #32 frontage and shall be no closer than one thousand (1,000) feet apart.
2. Two (2) monument signs shall be permitted on Ditch Road and one (1) monument sign shall be permitted on Eagletown Road. Each such sign is to be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face along Ditch Road or Eagletown Road frontage.
3. Monument signs incorporating a cap or base shall have a minimum base height of six (6) inches, a maximum base height of twenty-four (24) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and
4. Sign caps and bases shall not be used for sign display or advertising purposes.

C. Setbacks:

1. All signs shall conform to the side and rear yard setback requirements for structures as set forth in this Ordinance; and
2. Signs shall have a minimum front yard or right-of-way setback requirement of five (5) feet from a property line or right of way, except in the LBH District.

Section 16.8 Special Sign Standards for LBH.

The LBH District shall be regulated per Article 5.3 of this Ordinance. Within the LBH District projecting signs are permitted which do not exceed twenty (20) square feet per sign face.

Section 16.9 Nonresidential User Signs.

A. Monument Sign(s):

1. **Size:**
 - a. Nonresidential ("business") tenants ("users") less than twenty-five thousand (25,000) building square feet in size shall be permitted one (1) monument sign per business center, which shall be no greater than twelve (12) feet in height and have no more than seventy-five (75) square feet of sign area per face;

- b. Tenants which range in size from twenty-five thousand (25,000) building square feet to one hundred thousand (100,000) building square feet shall be permitted one (1) monument sign per business center, which shall be no greater than fifteen (15) feet in height and have no more than one hundred and twenty (120) square feet of sign area per face;
 - c. Tenants greater than one hundred thousand (100,000) building square feet shall be permitted one (1) monument sign per business center, which shall be no greater than twenty-five (25) feet in height and have no more than two hundred and fifty (250) square feet of sign area per face;
2. Business center monument signs shall have a minimum base height of six (6) inches and a minimum cap height of two (2) inches. Total aggregate sign cap and base height shall not exceed six (6) feet; and
 3. Sign caps and bases shall not be used for display or advertising purposes.

B. Entrance Sign(s) to the LHB, LB, and GB Districts:

1. In addition to a nonresidential or business monument sign, a business center shall be permitted one (1) entrance sign per point of ingress; and,
2. Nonresidential center entrance signs shall be limited to a maximum of six (6) feet in height, a sign area of thirty (30) square feet per sign face, and shall not contain tenant information.

C. Interior Circulation Sign(s) in the LHB, LB, and GB Districts:

Business centers are permitted to have interior circulation signage containing traffic directing information only (such as "Enter," "Exit," "Do Not Enter," "One-Way," "Trail Crossing," "Parking," etc.). Circulation signage shall be limited to a maximum of three (3) feet in height, and a sign area of two (2) square feet per sign face.

D. In-Line Tenant Signage in the LBH, LB, and GB Districts

1. All in-line tenants of business centers shall be permitted one and one-quarter (1¼) square foot of signage for each linear foot of tenant space front façade
2. For purposes of this Section 16.9.B, corner in-line tenants shall have only one (1) front façade, that being the façade with the primary public entrance.

3. The total permitted sign area allocation may be divided between wall and awning signs;
4. Wall signs in nonresidential centers shall be located on front building elevations except that those tenants with corner locations are permitted to place signage on a sidewall;
5. Any side wall sign square footage shall be deducted from the total sign allocation for the tenant space; and
6. Center in-line tenants shall not be permitted individual monument signs.

E. Outlot Signage:

1. All outlots of nonresidential centers shall be permitted one and one-quarter (1¼) square foot of sign area for each one (1) linear foot of building fronting on a public right of way;
2. The total permitted sign area allocation may be divided between wall, awning, and under canopy signs;
3. Signs may be located on any building elevation;
4. All sign square footage shall be deducted from the total sign allocation for the outlot;
5. Outlots within a nonresidential center shall not also be permitted monument signs.

Section 16.10 Sign Area Bonus.

The total sign allotment for an individual nonresidential use, tenant, or a nonresidential center may be increased by a specified percentage for compliance with design criteria as listed below. Percentage increases shall be based on the original sign allotment calculation. If more than one (1) criterion is met, then sign area bonuses will be granted cumulatively.

A. Sign Area Allotment Bonuses:

1. Sign Number. A five percent (5%) sign area allotment bonus shall be granted for limiting the total number of signs to three (3) or less;
2. Where monument signs are permitted, a ten percent (10%) sign area allotment bonus shall be granted for not having a monument sign.

3. **Alternative Materials.** A ten percent (10%) sign area allotment bonus shall be granted when all signage on site is primarily comprised of decorative wood, sculpted metal, or equivalent substitutes. This bonus is also available on a Tenant/Outlot basis in Nonresidential Centers.
4. **Nonresidential Center Sign Plan.** A ten percent (10%) sign area allotment bonus shall be granted if a uniform and complimentary sign plan is mandated for all signage on site, including center, tenant, and outlot signage. A sign plan must address colors and materials and be approved by the Community Development Director prior to the issuance of individual permanent sign permits for tenants and outlots.

B. Wall Sign Bonuses:

Individual Letters. A ten percent (10%) wall sign area bonus shall be granted for individual nonresidential uses, tenants, or outlots whose wall signs consist only of individual letters mounted directly on a building surface.

C. Monument Signs:

1. **Materials.** A ten percent (10%) monument sign area bonus shall be granted for using brick, stone or equivalent substitute in the construction of a sign base, cap and supporting structure.
2. **Matching Materials.** A ten percent (10%) monument sign area bonus shall be granted if over fifty percent (50%) of the sign base, cap, and supporting structure matches the building materials used on a front elevation of the building(s).
3. **Landscaping.** A ten percent (10%) monument sign area bonus shall be granted for landscaping the area around a base of a monument sign. Refer to Section 16.06.010 of the Zoning Ordinance for landscaping details.

Section 16.11 Sandwich Board Signs.

Sandwich board signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

- A. The placement of sandwich board signs shall not impede pedestrian or vehicular traffic;
- B. One (1) sandwich board sign shall be permitted per individual commercial or business use;

- C. Sandwich board signs shall not count toward the total sign allotment for a commercial use or business;
- D. Sandwich board signs shall not exceed six (6) square feet per sign face;
- E. Sandwich board sign faces shall be constructed of a chalk board type material or equivalent substitute which permit the application of any identification, message or information with a non-permanent type of text, design or logo;
- F. Sandwich board sign widths shall not exceed three and one-half (3½) feet when measured from the outside of a sign support and/or sign face;
- G. Sign height shall not exceed five (5) feet when measured from the ground to the top of a sign face or sign support structure;
- H. Sandwich board signs shall have a base support and the base support shall be weighted with a minimum ten (10) pound ballast to ensure sign stability;
- I. Sandwich board signs shall not be permanently affixed to any structure or sidewalk, and must be removed at the end of each business day;
- J. Signs shall only be placed within ten (10) feet of, and directly in front of, a business façade having a public entrance.
- K. Placement of sandwich board signs in a public right of way shall require approval by the Westfield Town Council, or designee; and
- L. More than two (2) sign violations of this ordinance in one (1) calendar year shall result in the termination of the sandwich board sign permit and require removal of the sandwich board for that calendar year.

Section 16.12 Under Canopy Signs.

Under canopy signs shall only be permitted in commercial zoning districts and shall conform to the following regulations:

- A. Under canopy signs shall be placed under canopies or roof overhangs.
- B. Under canopy signs shall not count toward the total sign allotment for a commercial use or business;
- C. Under canopy signs shall not exceed one (1) per building entrance;
- D. Under canopy signs shall not exceed three (3) square feet in area;

- E. Under canopy signs shall not be separately illuminated; and,
- F. Under canopy signs shall contain only the address, logo, or name of the occupant or business served by the entrance.

Section 16.13 Temporary and Special Event Signs.

Temporary and special event signs shall only be allowed for permitted nonresidential and multifamily uses in all Districts. All temporary and special event signage shall conform to the following regulations:

- A. New businesses, seasonal businesses, grand openings, or special events may display a banner that does not exceed thirty-two (32) square feet in size, and is securely attached to a structure or support device.
- B. Application must be made, and a temporary sign permit issued prior to the display of temporary signage;
- C. All existing businesses shall be limited to one (1) temporary sign permit annually;
- D. All temporary signs shall be placed on the property on which the permitted use is being conducted;
- E. Temporary sign permits shall be limited to fifteen (15) calendar days per quarter; and
- F. Temporary sign permits may be issued for a calendar year or renewed on a quarterly basis at the Community Development Department.

Section 16.14 Nonconforming Signs.

All existing signs which do not conform to this section are designated lawfully nonconforming and shall either be removed or brought into compliance with these regulations at such a time when new development or expansion is proposed, or when a change in signage is proposed for the property upon which the sign is located. Lawful nonconforming signs shall not be relocated, expanded, or altered except to permit routine maintenance and repairs. In no case shall the replacement of individual tenant name panels on a non-residential center sign constitute the need to bring the non-residential center sign into compliance with these sign regulations.

Section 16.15 Permits.

After the effective date of this Ordinance, and except as otherwise provided, no person shall erect any sign as defined herein without first obtaining a sign permit from the Community Development Department. The Community Development Department Director and his/her designated staff shall have the authority to review and decide upon all sign permit applications. Signs which shall not

require a permit include all signs or displays permitted in Section 16.3 of this Ordinance. Application for a permit shall be made in writing, upon forms prescribed and approved by the Director and shall contain the following information:

- A. Name, address, and telephone number of applicant or business;
- B. Site address;
- C. Graphic scale;
- D. A site plan indicating the location of any building upon which a sign is to be mounted, with the location of the signs indicated;
- E. A site plan indicating the location of any existing or proposed monument signs;
- F. A square footage calculation of any proposed sign(s), as well as the location and square footage of all existing on-site sign(s);
- G. Elevation of proposed signs including size, materials, color and dimensions;
- H. A true color rendering of the proposed signs;
- I. Illumination details for proposed signs, including the timing of sign illumination and method of control of such illumination;
- J. Indication of sign type(s) as defined in this chapter;
- K. Written consent of the owner of the building, structure, or land on which the sign is to be erected if the applicant is not the owner;
- L. Temporary and special event sign displays shall provide a schedule for sign displays which indicate the dates and duration of the sign displays;
- M. Any other information necessary to support a thorough review of the project and as requested in writing by the Director;
- N. All applications for permits shall be accompanied by payment of fees. The fee schedule shall be kept on file in the Department of Community Development. If the proposed sign plan is in compliance with all the requirements of this Ordinance, a permit shall be issued.

ARTICLE 17. ACKERSON FARM OPEN SPACE, OFFICE/RETAIL SQUARE FOOTAGE, RESIDENTIAL UNITS, and DENSITY ESTIMATES.

Section 17.1 Open Space.

All Districts and Midland Trail. (All figures are approximate estimates).

A. Neighborhood Park Open Space Acreage:

LBH District:	5.0 Acres
LB District:	5.0 Acres
GB District:	1.5 Acres
Residential District 1:	1.5 Acres
Residential District 2:	4.0 Acres

B. Central Park Open Space Acreage:

Central Park:	17.0 Acres
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Total Open Space:	33.0 Acres
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**Total Acreage of LBH District below and including
Midland Trail, Residential District 1 and Residential
District 2:**

145 Acres

Open Space Percentage:	23%
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Section 17.2 District Data.

A. GB District: 50 Acres

Office/Retail Space:	550,000 Sq. Ft.
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B. LB District: 24 Acres

Office/Retail Space:	195,000 Sq. Ft.
----------------------	-----------------

C. LBH District: 90 Acres

Office/Retail Space: (North of Midland Trail)	650,000 Sq. Ft. (Maximum)
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Office/Retail Space: (South of Midland Trail along Ditch Road)	100,000 Sq. Ft. (Maximum)
---	---------------------------

	Total Residential Units LBH*:	912 Units (Maximum)
	Total Residential Units per Acre LBH:	9.9 Units
D.	<u>Residential District 2:</u>	70 Acres
	Single Family & Attached Doubles (<10%):	205 Units (Maximum)
	Total Residential Density per Acre Residential District 2:	2.9 Units
E.	<u>Residential District 1:</u>	8 Acres
	Single Family:	10 Units (Maximum)
	Total Residential Density per Acre Residential District 1:	1.3 Units

Section 17.3 Data Summary.

A.	<u>Ackerson Farm Total Acreage:</u>	236 Acres
B.	<u>Open Space Total Acreage:</u>	33 Acres
C.	<u>Retail/Office Space Total Square Feet:</u>	1,495,000 Sq. Ft.
D.	<u>Multi-Family Total Units:</u>	720 Units (Maximum)
E.	<u>Single Family Total Units:</u>	407 Units (Maximum)

*Multi-Family units may instead be placed in LB or GB but the maximum number shall remain.

ARTICLE 18. PROCEDURAL PROVISIONS & ADDITIONAL COMMITMENTS

Section 18.1 Developer's Consent.

Without the consent of the Developer, no other developer, user, or tenant may obtain any permits or approvals, whatsoever, with respect to the Real Estate or any portion thereof, and as such, and by way of example but not by limitation, none of the following may be obtained without the approval and consent of the Developer:

- A. Improvement location permits for any improvements within the Real Estate;
- B. Sign permits for any signs within the Real Estate;
- C. Building permits for any buildings within the Real Estate;
- D. Primary or secondary plat approval for any part of the Real Estate;
- E. Development plan approval or detail development plan approval for any part of the Real Estate;
- F. Any taxed amendments or other variations to the terms and conditions of this Ackerson Farm PUD.

Section 18.2 Plan Commission.

The Plan Commission, upon petition of the Developer at a public hearing conducted per the rules of the plan commission, may approve a development standard or guideline that is not included in, or is different from, those set forth in this Ackerson Farm PUD, so long as the Plan Commission determines that any such addition or modification would not substantially affect the integrity of the development of the Real Estate, and is appropriate for the site and its surroundings.

Section 18.3 Appeal.

The denial by the Department of Development of any requests for approvals may be appealed to the Plan Commission, which may affirm or reverse the decision of the Department of Development, and any denial by the Plan Commission of any requests for any approvals may be appealed to the Town Council, which may affirm or reverse the decision of the Plan Commission. In circumstances permitted under the Zoning Ordinance, an appeal may also be made to the Town's Board of Zoning Appeals.

Section 18.4 Detailed Developments.

Detailed Development Plan Approval, pursuant to Section 16.04.165 of the Zoning Ordinance and Article 10 of this Ackerson Farm PUD, is hereby delegated to and shall be by the Department of Planning.

Section 18.5 Existing Uses and Structures.

Notwithstanding anything to the contrary in this Ackerson Farm PUD, any parcel or portion of Real Estate, which is being used for residential or agricultural uses or purposes on the date of enactment of this Ackerson Farm PUD, along with any structures existing on the date of the enactment of this Ackerson Farm PUD, may continue and shall be permitted per the terms of this Ackerson Farm PUD.

Section 18.6 Phasing Schedule Procedure.

The Real Estate will be developed in multiple phases, and separate Development Plans may be submitted for approval. The Phasing Schedule in Exhibit F is approved as part of this Ordinance. Estimates of intervals during which Development Plans will be submitted and during which development will commence are hereby deemed to be reasonable. Nothing in Exhibit F or elsewhere in this Ordinance or in WC 16.04.190(D)(5) shall prohibit the filing of Development Plans for any particular District or portion thereof before or after the dates in the Schedule F Phasing Schedule. In the absence of intentional misrepresentation or gross negligence by the Developer, extensions shall be granted and no penalties shall be sought or imposed for changes. The terms of WC 16.04.190(D)(5) are superseded and replaced by the terms stated herein. During the first phase of construction in any area in the Exhibit F Phasing Schedule, construction shall also commence on the amenities for that area, and construction of amenities in that area shall be completed by the time construction is concluded in that area.

Section 18.7 Authority of the Westfield Department of Public Works.

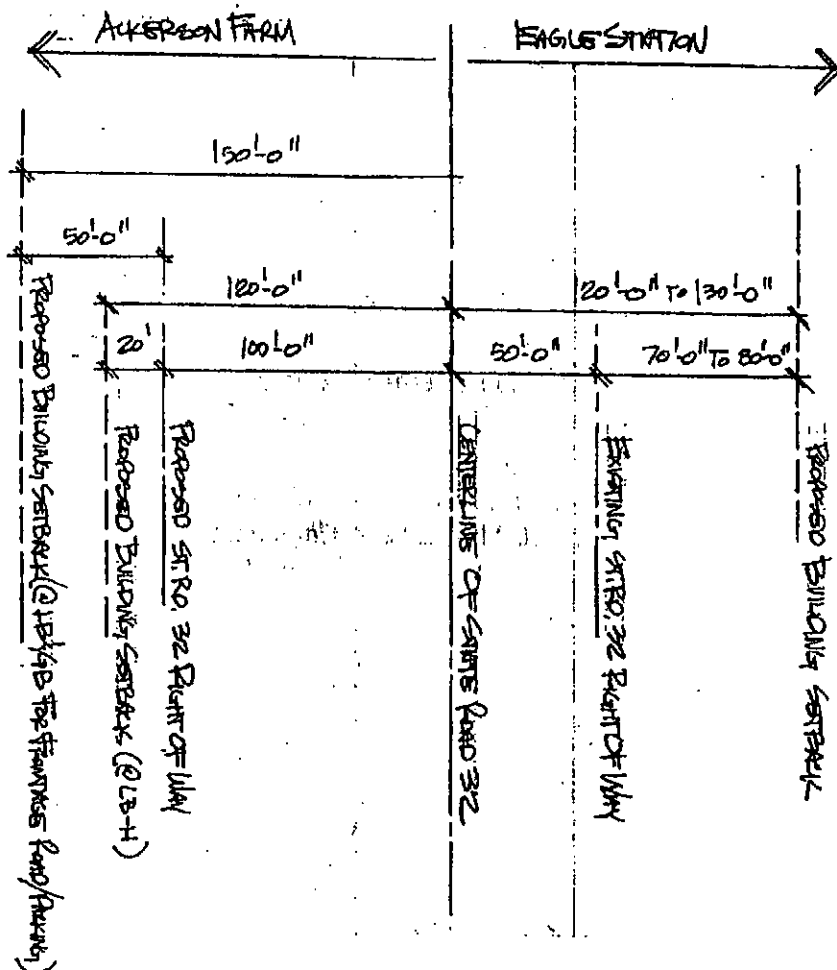
The Westfield Public Works Department has authority for approval of infrastructure standards, including any alterations of such standards as they are to be applied to development of the Real Estate. Such infrastructure standards include the Town of Westfield's construction standards and specifications, Westfield's storm water quality and quantity regulations, Westfield's utility infrastructure requirements, Westfield's erosion control requirements, Westfield's street standards and infrastructure requirements, Westfield's traffic circulation requirements, and Westfield's sanitary sewer service utility and water utility requirements.

Section 18.8 Hamilton County Surveyor and Hamilton County Drainage Board.

The Real Estate will be developed in compliance with all applicable legal requirements of the Hamilton County Surveyor's Office and the Hamilton County Drainage Board with respect to the S.M. Smith Regulated Drain and any other drains, watersheds, drainage sheds, or water management matters within the authority of the Hamilton County Surveyor's Office and the Hamilton County Drainage Board.

Section 18.9 Future Widening of State Road 32 Right of Way.

This PUD Ordinance is intended to require space adjacent to State Road 32 that will not be occupied by buildings in order to accommodate anticipated future expansion of the State Road 32 right of way to one hundred (100) feet on the south half of State Road 32. Minimum setbacks from State Road 32 that are set out in Table 5.2 and 5.3, therefore, will be between 20 feet and 50 feet (depending on the location) from the one hundred foot future right of way on the south side of State Road 32.



Legal Description

A part of the East half of Section 4, Township 18 North, Range 3 East, described as follows: Begin at the Northeast corner of said Section 4 and run West to the Northwest corner of the Northeast Quarter of said Section, thence South 46 rods 6 inches, thence East 55 rods 11 feet, thence South 71 rods 7 feet 9 inches, thence East to the line dividing the East and West half of the East half said Section, thence South to the South line of said section, thence East to the Southeast corner of said Section, thence North to the place of beginning, containing 193.83 acres, more or less.

Also including:

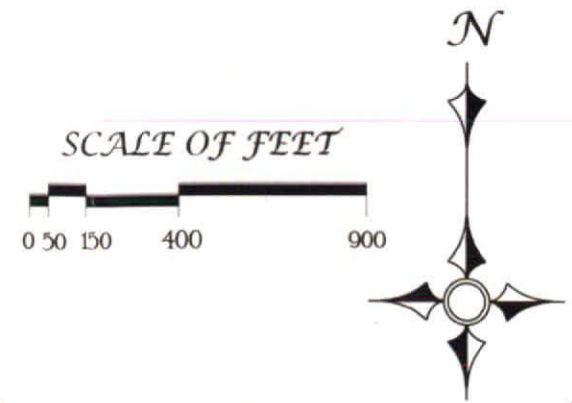
A part of the West half ($\frac{1}{2}$) of Section 3, Township 18 North, Range 3 East and more specifically described as follows:

Beginning at the Northwest corner of the Northwest quarter ($\frac{1}{4}$) of Section Three (3), Township eighteen (18) North, Range Three (3) East; thence south on and along the West Section line of said Section, one thousand three hundred seventy-one point two (1,371.2) feet to a point marked by an iron pin; thence North eight-nine (89) degrees and fifty-two (52) minutes East, one thousand three hundred twelve point two (1312.2) feet to a point marked by an iron pin; thence North zero (0) degrees and twenty-five (25) minutes East, five hundred forty-nine point eight (549.8) feet to a point on the center line of the Midland Railroad; thence North eighty-nine (89) degrees and fifty-two (52) minutes East, one hundred thirty-six point seven (136.7) feet on and along said Railroad center line; thence North zero (0) degrees and three (3) minutes West, eight hundred thirty-seven point nine (837.9) feet to a point on the North section line of said section marked by an iron pin; thence south eighty-nine (89) degrees and thirteen (13) minutes West, one thousand four hundred fifty-two point three (1452.3) feet to the point of the beginning, containing forty-two and ninety-five hundredths (42.95) acres, more or less.



ZONING DISTRICT MAP

- GENERAL BUSINESS (GB)
- LOCAL BUSINESS (LB)
- LOCAL BUSINESS - HISTORIC
- RESIDENTIAL 1 (RES. 1)
- RESIDENTIAL 2 (RES. 2)
- CIVIC BUILDING
- PUBLIC GREEN SPACE
- WATER FEATURE
- ZONING DISTRICT BOUNDARY



ACKERSON FARM, LLC
weaver design group
residential architecture & planning

Ackerson Farm PUD, Exhibit B (August 21, 2006)

ACKERSON FARM

STATE ROAD 32

EAGLETOWN ROAD

VILLAGE
CENTER

MIDLAND TRAIL

WESTFIELD WASHINGTON
SCHOOL DISTRICT SITE









NEIGHBORHOOD
CENTER

171st STREET

DITCH ROAD

166th STREET

ILLUSTRATIVE SITE PLAN

-  RETAIL/COMMERCIAL
-  MIXED USE
-  HISTORIC RESIDENTIAL
-  RESIDENTIAL 1 (RES. 1)
-  RESIDENTIAL 2 (RES. 2)
-  CIVIC
-  PUBLIC GREEN SPACE
-  WATER FEATURE

SCALE OF FEET

0 50 150 400 900

N

ACKERSON FARM, LLC

weaver design group
residential architecture & planning

ACKERSON FARM

Ackerson Farm PUD, Exhibit C (August 21, 2006)

STATE ROAD 32

EAGLETOWN ROAD

MIDLAND TRAIL









WESTFIELD WASHINGTON
SCHOOL DISTRICT SITE

171st STREET

DITCH ROAD

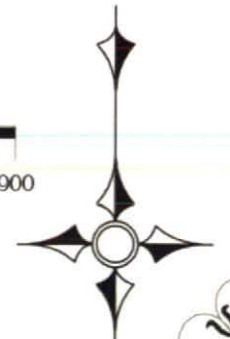
166th STREET

PUBLIC REALM MAP

-  CIVIC SPACE
-  CIVIC BUILDING
-  PUBLIC GREEN SPACE
-  PERIMETER PATHWAY SYSTEM
-  INTERNAL PEDESTRIAN SYSTEM
-  VILLAGE CENTER
-  NEIGHBORHOOD CENTER
-  2 MINUTE AND 5 MINUTE
WALK RADIUS

SCALE OF FEET

0 50 150 400 900

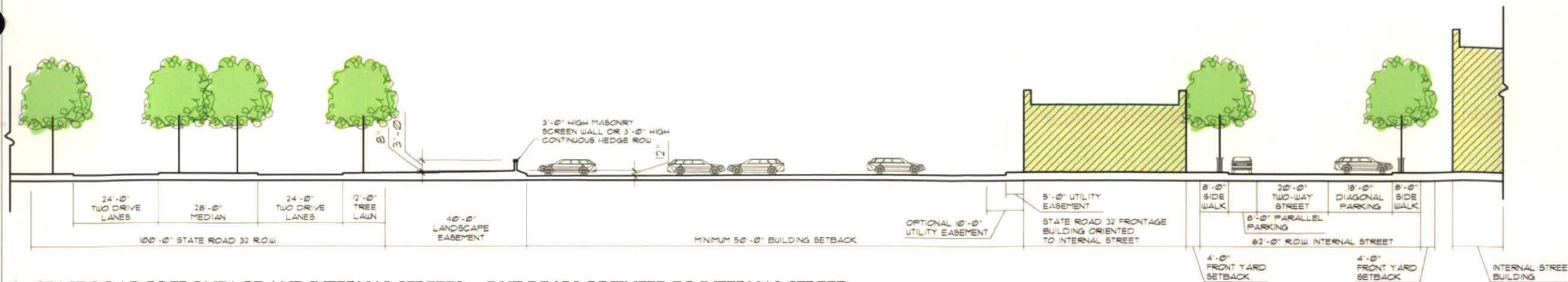


ACKERSON FARM, LLC

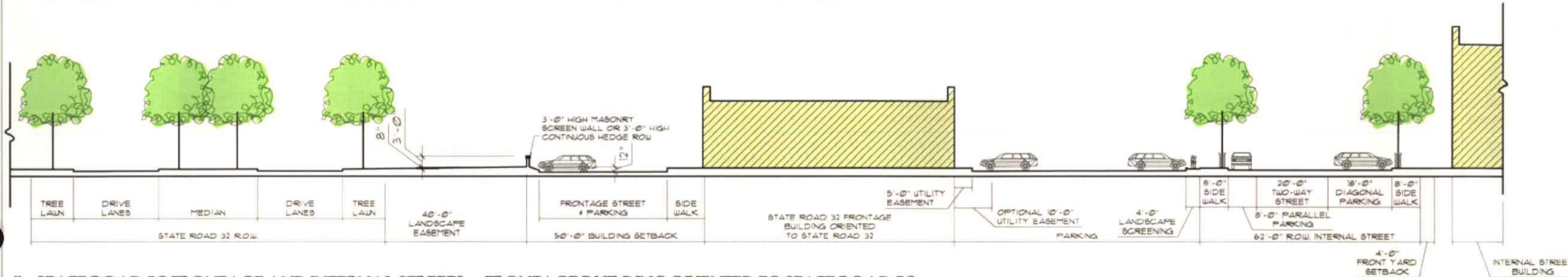
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residential architecture & planning

Ackerson Farm PUD, Exhibit D (August 21, 2006)

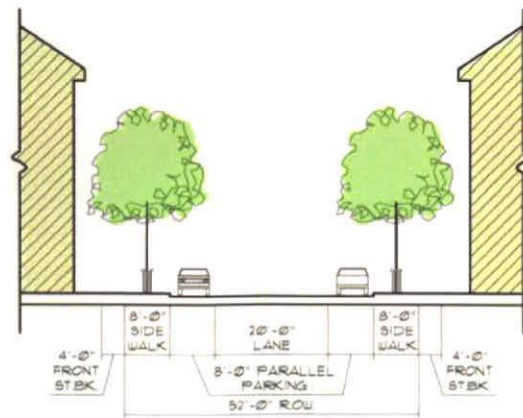
ACKERSON FARM



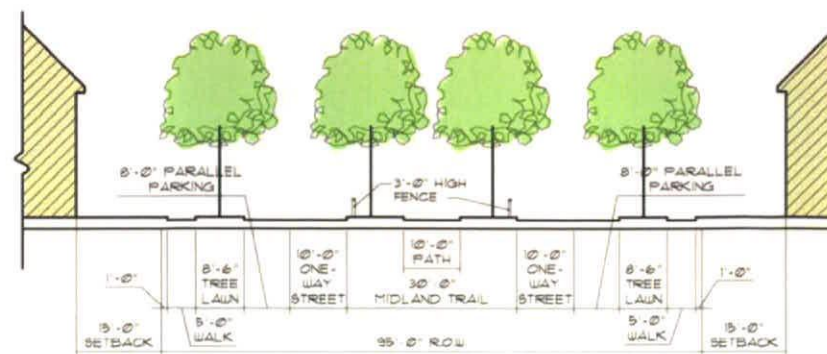
1a. STATE ROAD 32 FRONTAGE AND INTERNAL STREETS - BUILDINGS ORIENTED TO INTERNAL STREET



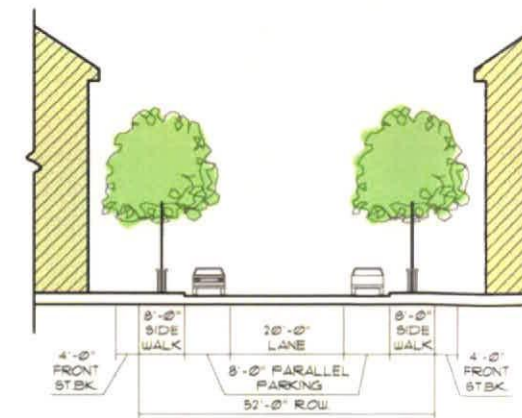
1b. STATE ROAD 32 FRONTAGE AND INTERNAL STREETS - FRONTAGE BUILDING ORIENTED TO STATE ROAD 32



2. VILLAGE CENTER MIXED-USE

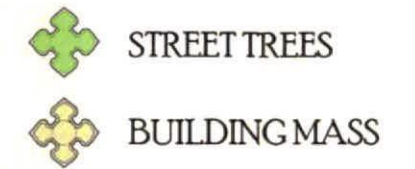


11. MIDLAND TRAIL

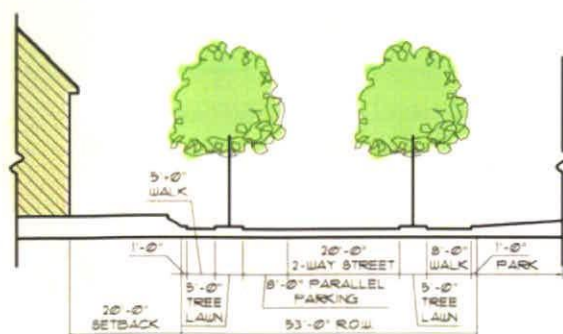


4. TYPICAL HISTORIC LOCAL BUSINESS STREET

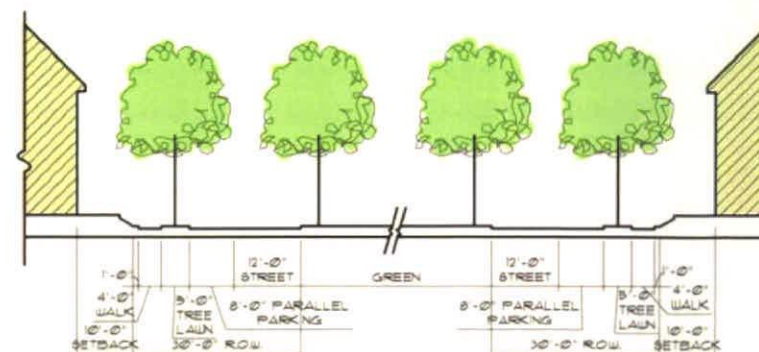
STREET SECTION DIAGRAMS



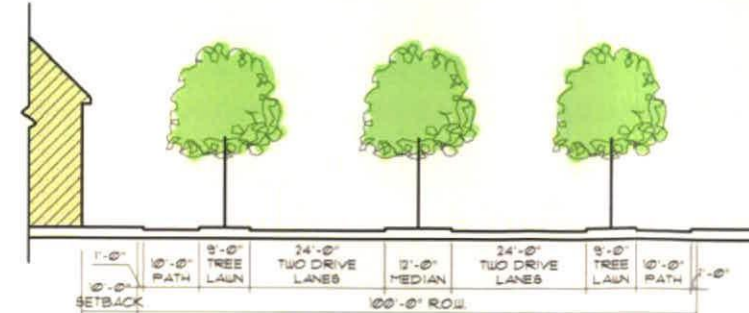
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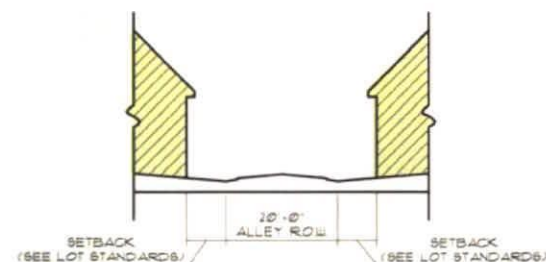
5. TYPICAL RESIDENTIAL PARKWAY STREET



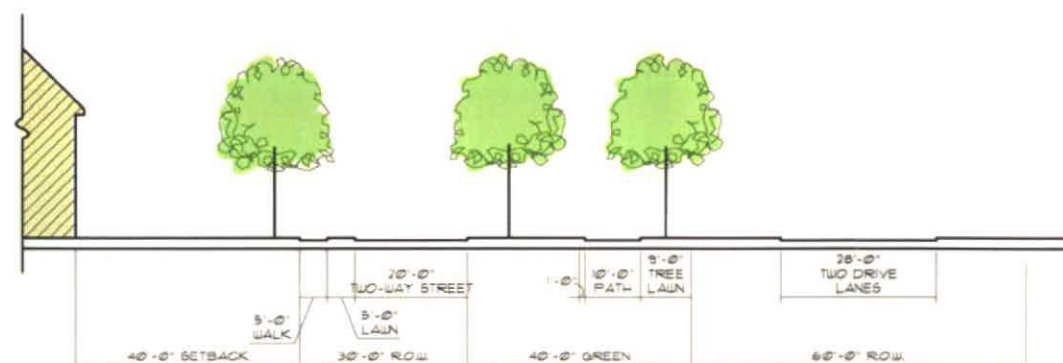
6. TYPICAL RESIDENTIAL PUBLIC GREEN STREET



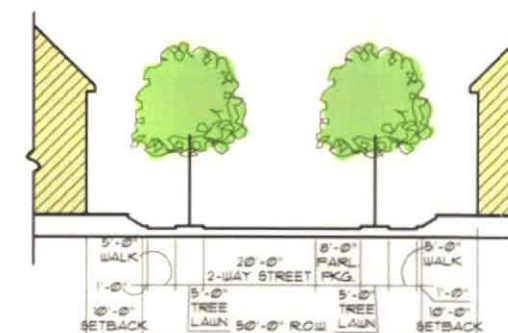
7. TYPICAL RESIDENTIAL PERIMETER STREET
ALONG DITCH ROAD



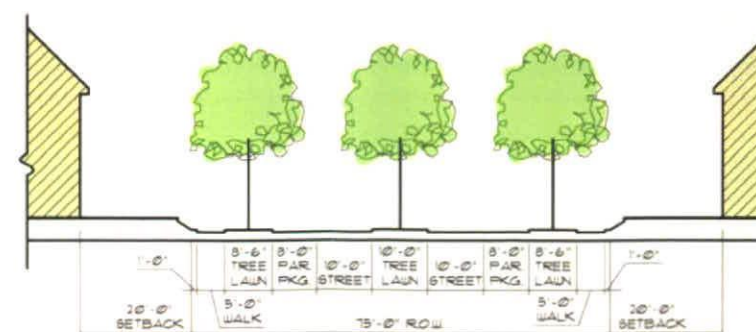
8. TYPICAL RESIDENTIAL ALLEY



9. TYPICAL RESIDENTIAL PERIMETER STREET
ALONG 166th STREET



10. TYPICAL RESIDENTIAL STREET



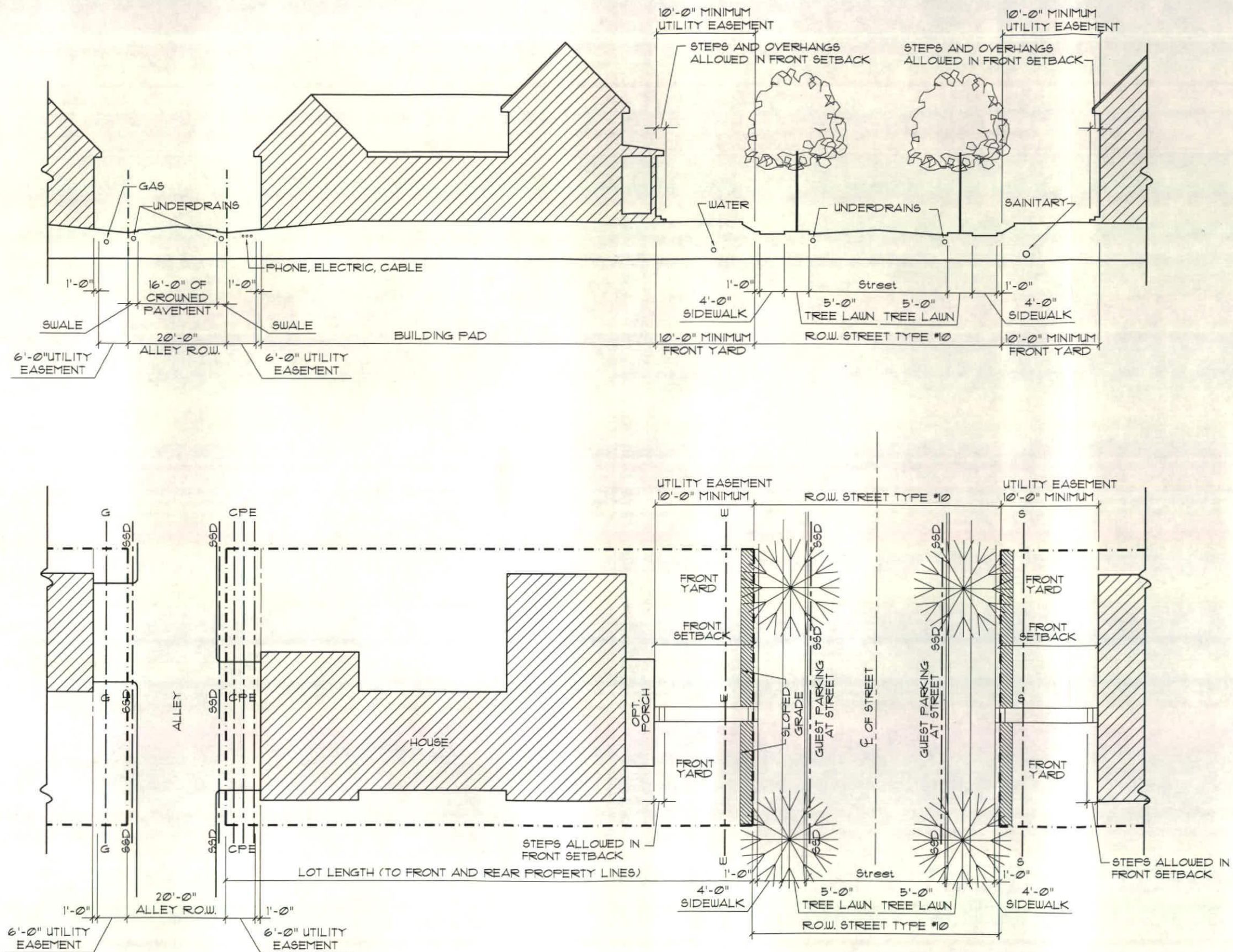
3. RESIDENTIAL BOULEVARD STREET

STREET SECTION DIAGRAMS



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B. EASEMENTS AND STREET TREES RESIDENTIAL STREET

STATE ROAD 32

EAGLETOWN ROAD

Phasing Schedule: Ranges of Dates for Anticipated Commencement of Development

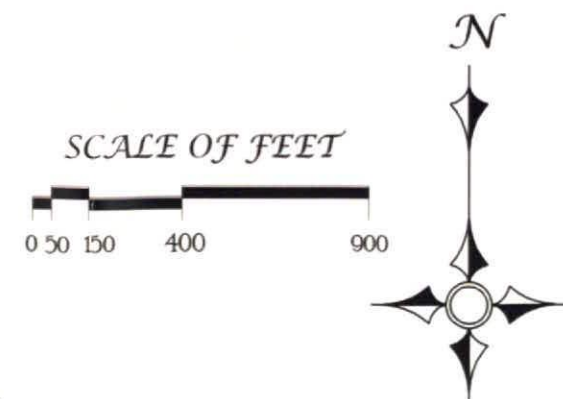
- A----2008-2016
- B----2010-2016
- C----2010-2016
- D----2012-2018
- E----2014-2018
- F----2014-2018
- G----2016-2022
- H----2016-2022
- I----2018-2022
- J----2018-2022
- K----2018-2024
- L----2018-2024
- N---2018-2024
- O---2018-2024
- P---2018-2026
- Q---2018-2026

166th STREET



ZONING DISTRICT MAP

- GENERAL BUSINESS (GB)
- LOCAL BUSINESS (LB)
- LOCAL BUSINESS - HISTORIC
- RESIDENTIAL 1 (RES. 1)
- RESIDENTIAL 2 (RES. 2)
- CIVIC BUILDING
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